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OVERSIGHT HEARING ON EFFECTIVENESS OF FEDERAL DRUNK DRIVING PROGRAMS

HEARING

BEFORE THE

SUBCOMMITTEE ON TRANSPORTATION SAFETY, INFRUSTRUCTURE SECURITY, AND WATER QUALITY

OF THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS UNITED STATES SENATE

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

OCTOBER 25, 2007

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OVERSIGHT HEARING ON EFFECTIVENESS OF FEDERAL DRUNK DRIVING PROGRAMS

THURSDAY, OCTOBER 25, 2007

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
SUBCOMMITTEE ON TRANSPORTATION SAFETY,
INFRASTRUCTURE SECURITY, AND WATER QUALITY,
Washington, DC.

The subcommittee met, pursuant to notice, at 10 a.m. in room 406, Dirksen Senate Office Building, Hon. Frank Lautenberg (chairman of the subcommittee) presiding.

Present: Senators Lautenberg, Boxer, Vitter, Klobuchar.

OPENING STATEMENT OF HON. FRANK LAUTENBERG, U.S. SENATOR FROM THE STATE OF NEW JERSEY

Senator LAUTENBERG. This Subcommittee will come to order and the hearing will start.

I want to just add a quick note, though, and that is that I am compelled to be on the floor of the Senate to manage a bill, so we may have to take a short recess until the Chairperson of the Committee gets here, Senator Boxer. We will try to move expeditiously, but we don't want to leave out things that are important.

Thank you all for being here and helping us review what kind of progress we have made in getting drunk drivers off the road, and how to save even more people from dying a preventable death.

Since 1984, the Federal Government has taken tough action to prevent senseless drunk driving deaths on our highways. Two of the most successful examples are the national minimum drinking age of 21; and the national .08 blood alcohol content standard for drunk driving. These tough laws have saved tens of thousands of lives.

Though my children were a little annoyed with me because they were college age, I was proud to author the Age 21 law and pleased also that we have saved so many mothers, fathers, sisters, and brothers from the grief of losing a child because of that law.

But even with these laws, our job isn't complete. Drunk driving remains an epidemic. Seventeen thousand victims still die each year in vehicle crashes involving alcohol. That is 41 percent of all the highway deaths. In my home State of New Jersey, 341 of our residents died in alcohol-related crashes last year, a 20 percent increase over the year before.

Despite these grim figures, some people want to roll back the lifesaving laws that we have put in place. It is hard to understand. I want to be clear. We will not be revisiting these well established

and successful laws. Any attempt to diminish the effectiveness of these laws or subsequent laws will have to face a huge fight if they want to expose more of our young people, or more of our people. We talk primarily about young people here, but there are lots of not so young people who die on the highways as a result of alcohol and driving.

We will be looking at head to what Government can do to protect more Americans from drunk drivers. Congress has got to take action to convince States to pass more effective laws to combat drunk driving. For example, not every State has tougher laws for repeat drunk drivers. Arrests and even convictions can pile up without repercussion.

One news report tells the story of a man who was caught drunk driving 11 times and who never had his license taken away. Amazingly, there are many places in this Country where you can refuse to take a blood alcohol test even after causing a fatal crash, and the penalty is only the loss of a driver's license.

Now, when it comes to better enforcement of laws, sanctions do work on States. When we offered incentives to States to pass the .08 blood alcohol laws, only three States took us up. But when we passed a sanction to withhold some of their Federal highway funding, 32 States changed their minds. So the proof is there.

To prevent more injuries, we ought to make greater use of technology such as ignition interlocks that lock a car's ignition when a driver's blood alcohol level is too high. I look forward to hearing about those efforts.

The bottom line is that drunk driving kills. Seventeen thousand American families a year who lost a loved one can testify to that.

So I look forward to hearing from our witnesses about actions that Congress can take to further save lives on our roads.

[The prepared statement of Senator Lautenberg follows:]

STATEMENT OF HON. FRANK R. LAUTENBERG, U.S. SENATOR FROM THE STATE OF NEW JERSEY

Today we will review the progress we have made in getting drunk drivers off the road, and how to save even more people from dying from a preventable tragedy. Since 1984, the Federal Government has taken tough action to prevent senseless drunk driving deaths on our roads.

Two of the most successful examples are the national minimum drinking age of 21, and the national .08 blood alcohol content standard for drunk driving. These smart, tough laws have saved tens of thousands of lives. Though my children were a little annoyed, I was proud to author the "age 21" law—and am proud that we have kept so many mothers, fathers, sisters and brothers alive because of it. But even with these laws, our job is not complete.

Drunk driving remains an epidemic. Seventeen-thousand victims still die each year in vehicle crashes involving alcohol. That's 41 percent of all highway deaths. In my home State of New Jersey, 341 of our residents died in alcohol-related crashes last year—a 20-percent increase over the year before.

Despite these grim figures, some people want to roll back the life-saving laws we have put in place. Let me be clear: We will not be revisiting these well-established and successful laws. Instead, we will be looking ahead to what the government can do to protect more Americans from drunk drivers.

Congress must take action to convince states to pass more effective laws to combat drunk driving. For example, not every State has tougher laws for repeat drunk drivers. Arrests and even convictions can pile up without repercussion. One news report tells the story of a man who was caught driving drunk 11 times—and who never lost his license.

Amazingly, there are many places in this country where you can refuse to take a blood-alcohol test even after causing a fatal crash and the penalty is only the loss

of a driver's license. When it comes to better enforcement of laws, sanctions on states work.

When we offered incentives to states to pass .08 blood-alcohol laws, only three took us up. But when we passed a sanction to withhold some of their Federal highway funding, 32 states changed their minds.

To prevent more injuries, we should make greater use of technology, such as ignition interlocks, that lock a car's ignition when a driver's blood alcohol level is too high. I look forward to hearing about those efforts. The bottom line is that drunk driving kills. Seventeen-thousand American families a year who have lost a loved one can testify to that.

Today I look forward to hearing from our witnesses about actions Congress can take to further save lives on our roads.

Now we are joined by Senator Klobuchar. Senator, I have a 10:30 management on the floor on the transportation bill. So I wonder, would you be able to chair?

Senator KLOBUCHAR. I would love to, but I have the farm bill markup.

Senator LAUTENBERG. OK. Would you like to make a short statement?

Senator KLOBUCHAR. I will make it very quickly.

Senator LAUTENBERG. OK.

Senator KLOBUCHAR. One minute.

OPENING STATEMENT OF HON. AMY KLOBUCHAR, U.S. SENATOR FROM THE STATE OF MINNESOTA

Senator KLOBUCHAR. Thank you, Mr. Chairman, and thank you for holding this critically important hearing and for your leadership on this issue.

Simply put, your work in drunk driving, Senator Lautenberg, has saved lives. It has been over 20 years since your legislation made 21 the national drinking age. In that time, over 20,000 lives have been changed. Your legislation made our roads and our communities safer and for that we are all grateful.

But there is so much work to be done, as each of our panelists will highlight. There are well over 16,000 alcohol-related highway traffic deaths in the U.S. each year.

In Minnesota, we have had some success in containing these hardcore drunk driving fatalities by being strict with enforcement and aggressive with prevention. As Hennepin County Attorney, I would say one of my, if not the proudest legislative accomplishment I had, and it took 2 years, was to pass Minnesota's felony DWI law. When I came into office, I realized we had felonies for things like stealing a cable TV cable and various theft of animals, but someone could have 20 DWIs and it was still a misdemeanor and they really could only go to prison for one or 2 years, and in fact is was a county workhouse.

Today in Minnesota, if you get four DWIs within 10 years, you are charged with a felony and face the possibility of prison time up to 7 years.

Again, an example of why we had to do it, there was a man named Raymond Sherman. In his early 40's, he had more than 20 DWIs on his record. When he was arrested when we had the felony DWI law in place, right near the Mall of America, he tested at well over the legal limit. What we found out when we looked back at his record was the last time he had gotten it, he said, well, you

can't get me because Minnesota doesn't have a felony DWI. Well, we did get him the next time and he went to 5 years in prison.

The goal here is not to put a bunch of people in prison, but it is to prevent them from going out and driving and drinking again. I have experience with this in my own life. My dad had three DWIs and it was the third DWI that really made him stop drinking, and his whole life has been turned around. He has been a successful journalist his entire life and is now very happy in his retirement, being sober and it has really turned him around. So I believe that strict rules can make a difference.

I just want to leave you with one thought. One of our rural judges has embarked on a successful and innovative program in Minnesota for repeat drunk drivers. It is Judge James Denn, and he has been sentencing some repeat drunk driving offenders to staggered jail terms, allowing them to serve one third of their time immediately, one third a year later, and one third a year after that.

Now, it doesn't work for everyone, but the idea is that in between those jail stints, if the offenders can prove that they have reformed, they can earn their way out of the remaining jail time. But if they get another DWI, they serve the full sentence. He has been doing this not necessarily with the ones I am talking about like Mr. Sherman, who has 20—it wouldn't work for him—but for some of the ones who have smaller numbers of DWIs.

It is the use of effective monitoring and prevention programs such as staggered sentencing, ignition locks, vehicle impoundment, highly visible checkpoints and advertising campaigns, coupled with this strict kind of enforcement that we have started to do now the last few years in Minnesota that I believe has made a difference.

I also want to thank the advocacy groups in our State that have been at our side. We had the most powerful testimony to get our law passed, which involved a man who had lost his son to a drunk driver, and a repeat drunk driver who had killed someone. When he got out of prison, the two of them went together and testified in favor of stricter drunk driving laws.

So I believe in this kind of redemption, and I believe you get there by having incentives, but I also believe you need the strict enforcement.

I also wanted to thank you for the .08 incentives. Our State was one of the last to do it. People where my relatives are from in Northern Minnesota were not that excited about it, I will tell you that. One of my favorite legislators actually took to our House floor and said, if you change the standard to .08, how will my constituents get home in the morning?

[Laughter.]

Senator KLOBUCHAR. However, we have now turned around and we have it in place, and I think that would not have happened without having these kinds of incentives on the Federal level.

So I want to thank you all for your good work, and especially Mr. Chairman, and if it is possible, I would love to fill in. You know how much I like to chair hearings, so if it works out, I will do it.

Thank you.

Senator LAUTENBERG. I just started to say before that when I wrote the law, two of my four children were in college and they said, Dad, you know, we would like to have a party, but we can't

just serve Coca-Cola at our age, and they were 18 or so. I said, well, Pepsi will have to do. We are not going to permit that. Of course, now today when they have children, they sure don't want drunks on the road where we can avoid it.

I am going to recess this session for now. I thank you all. You are excellent candidates for your testimony today.

Senator Boxer will be here shortly. So forgive the delay, but other duties call and I have to do it, especially when the Majority Leader says so.

Senator KLOBUCHAR. Senator, if you would like, I could stay for 10 minutes if we want to get started.

OK. Whatever you say, Mr. Chairman.

[Recess.]

Senator BOXER. [Presiding.] The Committee hearing will begin. I understand we had a couple of colleagues here. As you know, we have an insane schedule today which affected everybody's ability to be here. I myself just came in this morning back from California where I was very concerned about the devastation in my State. I thank everybody from all over the Country for caring and asking me about it. It looks like the winds have changed in our favor and we will be dealing with the aftermath for quite a while. But I am glad to be back here to be able to conduct this hearing.

As you well know, Senator Lautenberg, to say he is passionate on the subject is an understatement. He has to manage a bill on the floor, the Amtrak bill.

OPENING STATEMENT OF HON. BARBARA BOXER, U.S. SENATOR FROM THE STATE OF CALIFORNIA

Senator BOXER. I thank you all for being here to discuss the effectiveness of Federal drunk driving programs. Alcohol-related crashes are among the biggest highway safety challenges we face, accounting for 41 percent of overall traffic fatalities in 2006, 17,602 lives needlessly lost. Drunk driving causes thousands of deaths and injuries each year that could otherwise have been avoided, changing the lives of families and accident victims really forever.

But the consequences of drunk driving are not limited to the families of those who are killed or injured. A 2002 study by NHTSA estimated that alcohol-related crashes cost the American public more than $114 billion. That is just in 1 year, the year 2000.

And here we are struggling to find funds for children's health care. You know, we are having a problem, fighting over, you know, $30 billion, with $114 billion lost in 2000 alone. So we can't ignore this problem. The regulation of alcohol and its use by the operators of motor vehicles is largely left to the States. However, Congress has encouraged States to adopt legislation aimed at reducing drunk driving through the use of sanctions that withhold or transfer Federal funds and incentive grants that are given to States if they take certain actions.

There are currently five different provisions in Federal law that either withhold Federal funds from States that would be available for the national highway system, InterState maintenance and surface transportation programs, or transfer a portion of these funds to a State's highway safety program. It will take a coordinated ef-

fort on behalf of the States and the Federal Government to address the problems of drunk driving.

Drunk driving is a serious problem which has seen little improvement over the past decade. This hearing will help the Committee make the record as to what we are learning and what we are not learning. I look forward to working with the other members of the Subcommittee as we review this issue in anticipation of the next transportation bill, which as you all know will be coming next Congress.

So we are grateful to the witnesses for being here, and I look forward to testimony. We will get right to it. Because of the loss of time, we are going to just start at 4 minutes and see if you can do that so we can have time to ask you questions.

Senator BOXER. The Honorable Thomas Barrett, Deputy Secretary, U.S. Department of Transportation. Sir, we welcome you.

STATEMENT OF HON. THOMAS J. BARRETT, DEPUTY SECRETARY, U.S. DEPARTMENT OF TRANSPORTATION

Mr. BARRETT. Madam Chairman, thank you. I am pleased to represent the Department this morning on this important safety issue. Secretary Peters takes this very seriously, as do I. And I know you do and the Committee does as well.

Alcohol-impaired driving is a serious public health problem. As you know, there were over 13,000 deaths last year in which a driver or operator had a BAC above .08. As you indicated, Senator, this number has remained relatively flat for the past decade. This is not acceptable to the Department and we are working aggressively with State law enforcement partners, criminal justice partners, advocacy groups like MADD, to address what is a complex and tragic social issue.

I also want to note we have just updated the driving under the influence model code to assist States in fashioning their laws. I want to thank Senator Lautenberg for his personal leadership on this issue.

The program we have set at DOT calls for comprehensive solutions, education, strong laws, law enforcement, and suitable legal consequences for offenders. NHTSA is emphasizing high visibility law enforcement, support for improved adjudication of drunk driving cases, and technology to prevent impaired driving.

We believe that these measures will be effective in reducing the numbers that we see. We also want to thank the more than 9,000 State law enforcement agencies that participated in our recently completed Labor Day national drunk driving crackdown. We could not be successful without their help.

You may have heard the phrase "Over the Limit. Under Arrest." Thanks to the support of Congress, the nationwide drunk driving enforcement crackdowns are supplemented by $18 million of national advertising, $11 million over Labor Day and an additional $7 million purchase in December during the holiday season.

NHTSA has also recently focused renewed attention on ignition interlocks. Studies show interlocks can reduce recidivism by as much as two thirds. However, currently only about 10 percent or about 100,000 offenders potentially eligible for the devices actually must use them.

We have also convened a National Interlock Ignition Summit to develop recommendations from the criminal justice community for increasing the benefits of this technology. The agency is involved in developing guidance on model programs and curricula for educating judges and others on the benefits of expanded deployment of interlocks.

As longer term countermeasures, we are pursuing more advanced technology and have established a cooperative research initiative with the automotive industry to lead to new technologies that would prevent impaired drivers from operating vehicles.

I also want to note that the particularly tragic aspect of the drunk driving problem is impact on the youngest drivers. We believe it is essential that the 21 minimum drinking age be retained and strictly enforced. The model code that we developed notes zero tolerance for underage drinking and driving.

Madam Chairman, the Department is committed to reducing alcohol-impaired driving problems, especially as it affects our youngest drivers and their families. Our plans include both shorter and longer term solutions to provide very aggressive steps to reduce the horribly tragic consequences we see in this.

I thank you and I would be pleased to answer any questions when appropriate.

[The prepared statement of Mr. Barrett follows:]

STATEMENT OF HON. THOMAS J. BARRETT, DEPUTY SECRETARY, U.S. DEPARTMENT OF TRANSPORTATION

Chairman Lautenberg, Ranking Member Vitter, and Members of the Subcommittee, I am pleased to be here today to represent the Department on this very important safety issue.

Alcohol impaired driving is a serious public health problem. In 2006, there were more than 13,000 deaths in crashes in which a driver or motorcycle rider had a blood alcohol concentration (BAC) above 0.08 grams per deciliter of breath, the legal limit in every state. Following a decline through the 1980's, the number of alcohol-related traffic deaths has remained at essentially the same level since the late 1990's. Further progress in reducing alcohol-related traffic deaths has been inhibited by a number of factors, including changes in the demographics of the driving population and a decline in the rate of enactment of State drunk driving laws as most States completed their basic legislative package.

While impaired driving affects individuals of all ages, both genders and every area of the Nation, some groups have much higher involvement rates than others. Males comprise more than 80 percent of annual alcohol-related fatalities and those between ages 21 and 34 years of age are greatly over-represented. Per licensed driver, the highest rate of involvement in a fatal crash with a BAC at or above 0.08 in 2005 was for 21—24 year olds. The next highest rate was among 18—20 year olds, despite the fact that every State has a minimum drinking age of 21 years. Alcohol-related fatality rates vary considerably among States. In 4 States, the proportion of all traffic deaths that are alcohol-related is 50 percent or more, while in 7 other States the proportion is less than 35 percent.

Most drivers with positive BAC who are involved in fatal crashes are well over the legal limit. In 2006, about 84 percent of those with positive BAC were above the legal limit of 0.08, and the median among those with positive BAC was 0.15, nearly double the legal limit in every State.

Impaired driving is a complex social issue and requires a comprehensive solution including education, strong laws, law enforcement, suitable legal consequences for offenders, and appropriate treatment for those with abuse or addiction problems. The National Highway Traffic Safety Administration (NHTSA) works with States to address a full range of countermeasures. However, the agency emphasizes several priority programs because of their effectiveness and the benefit of coordinated State implementation. These priorities include high visibility law enforcement, support for improved adjudication of drunk driving cases, and technology to prevent impaired driving.

High visibility law enforcement has proven to be an especially effective means to reduce impaired driving crashes because it not only removes drunk drivers from the road, but also serves as a general deterrent, creating an increased perception of risk of arrest that discourages community members from drinking and driving. NHTSA coordinates nationwide high visibility impaired driving enforcement crackdowns twice annually, during the Labor Day and December holiday travel periods. During the Labor Day 2007 crackdown, about 9,000 law enforcement agencies participated by conducting highly visible enforcement operations such as sobriety checkpoints or saturation patrols. State Highway Safety Offices devoted a total of about $21 million to support these law enforcement activities.

NHTSA supports the nationwide enforcement crackdowns with the purchase of national advertising on television, radio and other media, using the message Drunk Driving. Over the Limit. Under Arrest. to alert motorists of the increased enforcement activity and enhance the general deterrent effect. Using high visibility enforcement funds appropriated by Congress, NHTSA purchased $11 million of national advertising for the Labor Day period and plans an additional purchase in December. These advertisements are placed in media outlets that reach the demographic groups most likely to drink and drive. In addition to the national advertisements, State Highway Safety Offices spent about $16 million on paid advertising using the same theme and message.

To provide financial support for States to conduct high visibility law enforcement and other impaired driving program activities, NHTSA administers a number of grant programs for States. Under SAFETEA-LU, the Section 410 impaired driving incentive program provides funds to States if they carry out specified impaired-driving countermeasures. These statutory activities include high visibility enforcement campaigns and programs that deter underage drinking. Over the past 2 years, NHTSA has provided over $200 million in Section 410 grant funds to support State impaired driving programs in every State, the District of Columbia and Puerto Rico.

Several statutory provisions require States to have certain impaired driving laws in place. These requirements include laws that establish a minimum drinking age of 21 years, a per se impairment level of 0.08 BAC, harsher sanctions for repeat offenders, and restrictions on open alcohol containers in motor vehicles. States that do not enact and enforce these laws face the prospect of reduced or transferred highway construction funds. NHTSA is responsible for making the legal findings of noncompliance that would result in the Federal Highway Administration transferring or withholding of highway funds.

NHTSA has recently focused attention on another impaired driving priority, alcohol ignition interlocks. Evaluations indicate that, while installed on offenders' vehicles, interlocks reduce recidivism by as much as two-thirds. Experts also agree that interlocks may offer even greater potential when integrated in a State impaired driving system as a means to link court and treatment functions. Currently about 100,000 offenders are using ignition interlocks, a small proportion of those who could be eligible for this technology.

In August, NHTSA Administrator Nicole Nason convened a national ignition interlock summit to develop recommendations from judges, prosecutors and treatment professionals for increasing the benefits of interlocks. The agency is now engaged in developing guidance on model interlock programs and curricula for educating judges, prosecutors and others on interlock technology and its benefits.

As a longer term countermeasure against impaired driving, NHTSA is pursuing more advanced technology. The agency is currently establishing a cooperative research initiative with the automotive industry that could result in technology that would prevent an impaired driver from operating a vehicle. In order to be effective, any technology would need to be passive, requiring no deliberate driver action, and sufficiently accurate, reliable and affordable for widespread use. The timeframe for developing and deploying such technology is estimated to be 10—15 years.

A particularly tragic aspect of the impaired driving problem is its impact on the youngest drivers. Nearly a quarter of deaths of drivers less than 21 years of age have a BAC of more than 0.08 despite the fact that it is illegal for these drivers to drink alcohol. In 2005, about 3,500 drivers younger than 21 years of age were killed in crashes, nearly 1,000 of whom had been drinking. Young drivers are especially vulnerable to the risks of impaired driving due to their inexperience both with driving and with drinking alcohol.

While these young driver statistics are tragic, they are much improved from the situation 25 years ago, prior to enactment by all States of Age 21 Minimum Legal Drinking Age (MLDA) Laws. MLDA laws have proven to be one of the most effective impaired driving deterrents, resulting in nearly 25,000 lives saved since 1982, according to NHTSA estimates.

The scientific evidence behind MLDA laws is unequivocal. In 2001, the Centers for Disease Control (CDC) conducted a review of 23 studies of the effect of changes in minimum drinking age laws that met strict standards of scientific rigor. The CDC review concluded that raising minimum drinking age laws results in a 16 percent decline in underage crashes, while lowering the minimum drinking age results in a 10 percent increase in crashes.

More recent evidence comes from studies of a policy change in New Zealand, where the minimum drinking age was lowered from age 20 to 18 in 1999. A study of New Zealand data from before and after the change in drinking age was published last year. The study found that the rate of traffic crashes and injuries increased 12 percent for 18—19 year old males, and 14 percent for 15—17 year old males following the lowering of the drinking age. The change was even greater among females, with the rates increasing 51 percent for 18—19 year olds and 24 percent for 15—17 year olds. The study concluded that raising New Zealand's minimum drinking age would prevent 400 serious injuries and 12 deaths among 15—19 year olds each year.

There are clear physiological and behavioral reasons for maintaining and strictly enforcing MLDA laws. The National Institute on Alcohol Abuse and Alcoholism (NIAAA) of the National Institutes of Health reports that impaired driving is just one of the risks associated with underage drinking and that the total impact of alcohol on those under 21, including homicide, suicide and other injuries, amounts to approximately 5,000 deaths per year. NIAAA studies point to the tendency of younger drinkers toward risky binge drinking, a greater tendency among those who begin drinking earlier to develop alcohol dependence at some point later in their lives, and a greater likelihood of young drinkers to engage in other risky behaviors, including drug use.

The Department of Transportation is committed to reducing alcohol impaired driving, especially as it affects our youngest drivers and their families. We have set an ambitious goal to reduce the number of deaths in crashes where a driver or motorcycle rider had a BAC at or above 0.08 BAC to 0.48 per 100 million vehicle miles traveled by 2008. Our plans for addressing the problem include both short and longer term solutions that together provide the most aggressive strategy feasible for reducing impaired driving and its tragic consequences.

I would be pleased to answer any questions you may have.

Senator BOXER. Thank you, sir.

Our next speaker is Hon. Mark Rosenker, Chairman of the National Transportation Safety Board.

When we finish this panel, I will turn to Senator Vitter for his opening statement.

Honorable Mark Rosenker.

STATEMENT OF HON. MARK V. ROSENKER, CHAIRMAN, NATIONAL TRANSPORTATION SAFETY BOARD

Mr. ROSENKER. Thank you and good morning, Madam Chairwoman, Ranking Member Vitter. Thank you for allowing me the opportunity to present testimony on behalf of the NTSB regarding oversight of the effectiveness of Federal drunk driving programs.

While the Safety Board has testified before Senator Lautenberg on several occasions, we have not testified before this Committee. I thank you again for the opportunity to do so.

Progress has been made at the Federal, State and local levels in reducing alcohol-related crashes, injuries and fatalities. In 1982, there were more than 26,000 alcohol-related fatalities, almost 60 percent of all highway fatalities. We are now down to about 17,600 alcohol-related fatalities, or about 41 percent of the highway fatalities in general.

Most of that progress, though, was achieved in the 1980's and the 1990's, likely attributable to implementation of the National Minimum Drinking Age Act and State passage of the age 21 laws, along with administrative license revocation, sobriety checkpoints,

mandatory seatbelt use laws, and public education campaigns on the dangers of impaired driving.

We have been stuck, unfortunately, in a decade-long plateau where the number and percent of alcohol-related fatalities have not declined further. The Safety Board issued recommendations in 2000 aimed at eliminating hardcore drinking and driving as the means to further reduce the toll of impaired driving.

The NTSB is particularly concerned with hardcore drinking drivers who are involved in about 54 percent of the alcohol-related fatalities. The Board defines hardcore drinking drivers as individuals who drive with a blood alcohol content of .15 percent or greater, or who are arrested for driving while impaired within 10 years of a prior DWI arrest.

Drivers with a high BAC are at much greater risk of being involved in a fatal crash. The Insurance Institute for Highway Safety estimated that the relative fatality risk for drivers in single vehicle crashes with a high BAC is 385 times that of a zero BAC driver. For young male drivers between the ages of 21 and 34, the risk is 607 times that of a sober driver.

The American Psychological Association states that even one DWI offense is indicative of a substance abuse or a dependency problem. A high BAC or repeat DWI arrest supports the conclusion that the individual has an alcohol abuse problem and will continue dangerous driving practices unless significant countermeasures are imposed.

From 1983 to 2005, more than 183,000 people died in hardcore drinking driving crashes. Impaired drivers persist in their behavior because they believe they won't get caught or convicted. That belief is based on reality. An individual it is estimated is driving on 1,000 drinking driving trips before being arrested.

Senator BOXER. A thousand?

Mr. ROSENKER. Yes, ma'am.

The hardcore drinking driving problem is complex. We need a comprehensive system of prevention, apprehension, punishment and treatment to reduce these crashes, injuries and fatalities. The Board's model program is derived from State programs that were proven effective in reducing alcohol-related crashes, injuries and fatalities, or recidivism. Some elements make the system work more efficiently. Only five States, unfortunately, have implemented a sufficient number of elements of the Board's program to close these recommendations, and I applaud the people of California because they are part of this program and it is working.

With regard to age 21 laws, the Safety Board thought the minimum drinking age was resolved a quarter century ago. The change in the legal minimum drinking age has been one of the most extensively studied policy changes in our transportation history. All the rigorously drawn and peer-reviewed studies have concluded that lowering the drinking age increases both alcohol consumption and alcohol-related fatalities among young drivers, and raising the drinking age reduces consumption and fatalities.

NHTSA estimates since 1975, age 21 laws have prevented almost 25,000 young people traffic deaths. Research and current data do not justify changing our recommendations. Motor vehicle crashes

remain the leading cause of death for teenagers, and alcohol remains the leading drug of choice.

Madam Chairwoman, that concludes my statement and I would be happy to answer any questions.

[The prepared statement of Mr. Rosenker follows:]

STATEMENT OF HON. MARK V. ROSENKER, CHAIRMAN,
NATIONAL TRANSPORTATION SAFETY BOARD

Good morning, Chairman Lautenberg, Ranking Member Vitter, and Members of the Subcommittee. My name is Mark Rosenker, and I am the Chairman of the National Transportation Safety Board. I want to thank you for allowing me the opportunity to present testimony on behalf of the Safety Board regarding the oversight of the effectiveness of Federal drunk driving programs. While the Safety Board has testified before Senator Lautenberg on several occasions, we have not testified before this Committee. Thank you again for the privilege.

As you know, the Safety Board is an independent agency charged by Congress with investigating every civil aviation accident in the United States and significant accidents in railroad, highway, marine, pipeline and hazardous materials in order to determine the causes and issue safety recommendations to prevent future accidents.

Each year, there are between 42,000 and 44,000 highway fatalities, more than any other mode of transportation. Of that number, roughly 40 percent of highway accidents is attributed to alcohol related deaths. For that reason, the Safety Board has had a long history of recommending action to reduce alcohol-related fatalities, injuries, and crashes. Many of these recommendations were issued in 1983, 1984, and 1989 as a result of our investigation of the Carrollton, Kentucky church activity bus crash which is still the worst drunk driving crash in the nation's history. Addressing impaired driving has been on our list of Most Wanted Safety Recommendations since its inception in 1990.

We have made a lot of progress at the Federal, state, and local level in reducing the alcohol-related crashes, injuries, and fatalities. In 1982, there were 26,173 alcohol-related fatalities, almost 60 percent of all highway fatalities. We are now down to 17,602 alcohol-related fatalities, or 41 percent of highway fatalities. Most of that progress was achieved in the 1980's and early 1990's, likely attributable to implementation of the National Minimum Drinking Age Act and State passage of Age 21 laws, administrative license revocation, sobriety checkpoints, mandatory seat belt use laws, and public education campaigns on the dangers of impaired driving. We have been stuck, however, in a decade-long plateau where the number and percent of alcohol-related fatalities have not declined further. The Safety Board issued recommendations in 2000 aimed at eliminating hard core drinking driving as means to further reduce the toll of impaired driving.

THE HARD CORE DRINKING DRIVER

The Safety Board is particularly concerned with hard core drinking drivers, who are involved in about 54 percent of alcohol-related fatalities. The Board defines hard core drinking drivers as individuals who drive with a blood alcohol concentration (BAC) of 0.15 percent or greater, or who are arrested for driving while impaired (DWI) within 10 years of a prior DWI arrest.

Drivers with a high BAC, 0.15 percent or greater, have consumed large amounts of alcohol, much more than is generally considered to be social or responsible drinking. High-BAC offenders are also likely to be repeat drinking drivers. Research has found that drivers with a high BAC are at a substantially greater risk of being involved in a fatal crash. The Insurance Institute for Highway Safety has estimated that the relative fatality risk for drivers in single-vehicle crashes with a high BAC is 385 times that of a zero-BAC driver and for male drivers the risk is 607 times that of a sober driver.

The Safety Board defines repeat offenders as individuals who are arrested for a DWI offense within 10 years of a prior DWI arrest. The Board specifies arrest, not just conviction, because DWI offenders are not always convicted of DWI violations. Their charges may be reduced to a lesser, non-alcohol-related offense or erased. The original DWI could not be used as a prior offense for the court to impose more rigorous measures for a subsequent offense. The American Psychological Association Diagnostic and Statistical Manual states that even one DWI offense is indicative of a substance abuse and/or dependency problem. A high-BAC or repeat DWI arrest, therefore, supports the conclusion that the individual has an alcohol abuse problem

and will continue to engage in dangerous driving practices unless significant countermeasures are imposed.

From 1983 through 2005, more than 183,000 people died in crashes involving hard core drinking drivers. Most experts agree that impaired drivers persist in their behavior because these drivers believe that they will not be caught and/or convicted. That perception is based on reality. NHTSA estimates that on average, an individual makes about 1,000 drinking driving trips before being arrested.

One of the accidents investigated by the Safety Board occurred on October 23, 1999 in Irving, Texas. A Chevrolet pickup truck driver was merging onto a highway when it veered to the south, crossed over three lanes and a shoulder, and struck the guardrail. The collision with the guardrail caused the truck to become airborne and travel 98 feet before striking the ground in the center median. It then continued traveling for an additional 97 feet and collided with a tractor-semitrailer, which eventually crashed through a guardrail, and collided with a bridge pillar. A post crash fire ensued, destroying the tractor-semitrailer and damaging the bridge structure. The debris from the initial collision struck a Ford pickup truck and a Cadillac during the accident sequence. The tractor-semitrailer truck driver was killed. The Chevrolet pickup truck driver was found partially ejected and was also killed. He was an unlicensed driver with a BAC of 0.29 percent.

The problem of hard core drinking drivers is complex; no single countermeasure by itself appears to reduce recidivism and crashes sufficiently. We need a comprehensive system of prevention, apprehension, punishment, and treatment to reduce the crashes, injuries, and fatalities caused by these drivers.

The Safety Board's model program includes such countermeasures as:

Sobriety Checkpoints: States must take measures to convince motorists that there is a strong likelihood that they will be caught, thereby deterring impaired driving before an arrest. Well-publicized and frequent sobriety checkpoints are a key component of deterrence because they increase the perception among drivers who potentially would drive impaired that they will be caught.

Vehicle Restrictions: States should authorize vehicle restrictions such as license plate impoundment, vehicle immobilization, vehicle impoundment, vehicle forfeiture, and ignition interlocks. Most can be administratively imposed. Vehicle restrictions substantially decrease the opportunity for hard core drinking drivers to operate vehicles illegally.

Habitual Offender Tally (HOT) Sheet Programs: States should promote this special enforcement program where the State licensing agency, on a regular basis, provides lists of drivers whose licenses have been suspended or revoked for alcohol-related offenses. Law enforcement agencies then use these lists to identify drivers who subsequently operate vehicles without a license.

Zero BAC Limits: States should require DWI offenders, upon conviction, to operate vehicles without any alcohol in their system. Such a provision forces DWI offenders to demonstrate that they can operate a vehicle legally and separate their drinking from their driving.

High BAC Limits: For those offenders arrested with a BAC of 0.15 percent or higher, States should impose penalties and employ countermeasures similar to those penalties and countermeasures used for repeat offenders. These drivers require strong intervention.

Confinement Alternatives: States should implement alternatives to traditional jail confinement, such as jail-treatment facilities, home detention with electronic monitoring, and intensive supervision probation. These alternatives, which reduce prison overcrowding, allow offenders to remain productive members of society and address any underlying alcohol problem, offer greater benefit than the traditional confinement alternative, community service, which has not been proven to reduce crashes.

Plea Bargaining Restrictions: States should prohibit DWI offenders from pleading to non-alcohol-related offense, or at least include information on the original arrest/charge in the offenders' criminal record. This provision would help ensure that prosecutors and judges know when they are dealing with a hard core drinking driver who may require countermeasures beyond the traditional punishment of a short jail term and a fine.

Diversion Elimination: Diversion is a system by which an offender's record is wiped clean if the offender complies with certain requirements. States should eliminate diversion as an option for DWI offenders, again, because it makes it that much harder to identify and develop appropriate rehabilitation measures for hard core drinking drivers.

Administrative License Revocation: States should authorize administrative license revocation, which gives a law enforcement officer the authority, on behalf of the State licensing agency, to confiscate the license of any driver who either fails or refuses to take a chemical breath test. The driver then receives a temporary license

that is valid for a short, specified period of time. During that time, he or she may seek an administrative hearing—independent of any criminal proceedings.

10-Year Look-Back Period: The likelihood of arresting, let alone convicting, a person even once for impaired driving is small. For penalty enhancement, the length of time a State will "look back" to determine how many convictions an offender has should be at least 10 years.

Individualized Court-Based Programs: States should develop and fund programs, such as a DWI court, that allow judges to tailor the sanctions to an offender's circumstances on a case-by-case basis.

Attached for your review is a summary of the model elements recommended by the Safety Board to address hard core drinking driving. The Board's model program is derived from programs operated in the States that have been shown through research to reduce alcohol-related crashes, injuries, and fatalities or have been shown to reduce recidivism. Some elements of the model program aid the workings of the impaired driver control system. Only five states have implemented a sufficient number of elements for the Board to close this recommendation to them.

AGE 21

The issue of the minimum drinking age has recently been in the news. This is an issue we thought was solved a quarter century ago through extensive congressional, Federal, and State action.

The change in the legal minimum drinking age has been one of the most extensively studied policy changes in our transportation history. All of the rigorously drawn and peer-reviewed studies have essentially come to the same conclusion; lowering the legal drinking age increases both alcohol consumption and alcohol-related fatalities among young drivers and raising the drinking age reduces consumption and fatalities.

In 2005, 28 percent of teen drivers killed in traffic crashes had a positive BAC, and 74 percent were unrestrained by safety belts. Teen drivers (age 15 through 20) made up slightly more than 6 percent of the driving population. But although this population is not allowed to drink, almost 11 percent of alcohol-related fatalities (1,800 people) still involved a teen driver with a positive BAC. This is down from the 20 percent involvement we had in 1982. The National Highway Traffic Safety Administration estimates that since 1975, Age 21 laws have prevented almost 25,000 traffic deaths.

Research and current data do not justify changing the Board's recommendations. Motor vehicle crashes remain the leading cause of death for teenagers, and alcohol remains the leading drug of choice.

Mr. Chairman, that concludes my statement and I would be happy to answer any questions you may have.

HARD CORE DRINKING DRIVER MODEL PROGRAM

- Sobriety checkpoints (frequent, statewide)
- Vehicle restrictions
  - License plate actions (impoundment, confiscation, etc.)
  - Vehicle immobilization
  - Vehicle impoundment
  - Vehicle forfeiture
  - Ignition interlocks (court-ordered and administrative)
- State and community cooperative enforcement programs for driving while suspended/revoked/unlicensed
- Zero BAC for DWI offenders
- Aggravated offense for high BAC (0.15 or greater)
- Alternatives to confinement
  - Home detention with electronic monitoring
- Intensive supervision probation
  - Jail-treatment facilities (for multiple DWI offenders)
  - Eliminate community service (does not reduce recidivism)
- Plea bargaining restrictions
  - Prohibit lessening of DWI offense to non-alcohol-related offense
  - Require reasons for DWI charge reduction to be entered into public record
- Eliminate diversion programs that allow erasing, deferring, or otherwise purging the DWI offense record, or that allow the offender to avoid license suspension
- Administrative license revocation for BAC test failure and refusal
- 10 year DWI record retention and offense enhancement period

• Individualized court-based sanction programs with frequent offender contact, unannounced testing, mandatory assessment, treatment, and long-term follow-up

"Actions to Reduce Fatalities, Injuries, and Crashes Involving the Hard Core Drinking Driver," June, 2000.

Senator BOXER. Thank you for your testimony.

Honorable Calvin Scovel, welcome. Mr. Scovel is the Inspector General at the U.S. Department of Transportation.

STATEMENT OF HON. CALVIN L. SCOVEL III, INSPECTOR GENERAL, U.S. DEPARTMENT OF TRANSPORTATION

Mr. SCOVEL. Madam Chairman, Ranking Member Vitter, thank you for the opportunity to testify today on the effectiveness of Federal drunk driving programs. This Subcommittee has played a key role in passing significant legislation to reduce alcohol-impaired crashes and lessen their emotional toll and costs.

Curbing drunk driving is key to reducing all highway deaths. In 2006, over 42,600 highway traffic deaths occurred in the United States. Over 17,600, or about 41 percent, were alcohol-related, almost the same as in 2005. No appreciable improvement in reducing the total number of fatalities can occur unless alcohol-related fatalities also drop.

The Administration and Congress recognize the seriousness of this problem and have provided significant resources to counter alcohol-impaired driving. We estimate that States will expend more than $1 billion in grants and penalty transfers through TEA–21, the prior surface transportation authorization law. SAFETEA-LU, the current law, provides further resources, most notably $555 million for grants dedicated solely to reducing alcohol-impaired driving.

To ensure the wise use of this funding will require three things: good laws, well-run State traffic safety programs, and effective leadership from NHTSA. We realize that impaired driving is a complex problem with no simple solution. Accordingly, our ongoing work focuses on providing NHTSA and the States with better tools such as improved performance measures to oversee and implement safety programs aimed at impaired driving.

My statement today concentrates on three areas: first, identifying key strategies. Our work found significant agreement on specific strategies that are most promising. State and Federal officials identified sustained enforcement of existing laws and effective prosecution and full application of available sanctions as key strategies of a successful program for countering alcohol-impaired driving.

Best practices for carrying out these strategies in the States we reviewed included using fines to support enforcement efforts and streamlining the grant process for local communities. Challenges identified for fully implementing these strategies included lengthy arrest procedures and State-specific restrictions on sobriety checkpoints.

NHTSA has issued guidelines to carry out these key strategies, but better tools are needed to more effectively implement them.

Second, effectively implementing key strategies with better performance measures. NHTSA could better measure the success of key strategies if States used better performance measures. For ex-

ample, State officials and NHTSA agree on the use of sustained enforcement, and NHTSA defined the strategy as a sobriety checkpoint or saturation patrol conducted weekly in areas where 60 percent or more of fatalities occur. We found, however, that State plans and reports didn't use this definition to measure sustained enforcement. As a result, the degree to which the strategy was used, and thus its effectiveness, could not be determined.

Third, action NHTSA needs to take with the States to improve performance measures. Currently, each State is responsible for developing performance measures tailored to its specific safety challenges. NHTSA cannot mandate performance measures. However, NHTSA can exercise its leadership with States and in response to our March, 2007 audit, NHTSA agreed to take the lead to work with States and other key stakeholders such as the Governors Highway Safety Association, to improve performance measures for alcohol-impaired driving. Specifically, it agreed to work with the States over a 3-year period to develop improved performance measures, encourage the use of those measures, and modify its own State reviews to see if these measures are adopted and utilized.

NHTSA must act with a greater sense of urgency. While we support the actions planned by NHTSA, given the importance of this issue, NHTSA must work with its State partners more aggressively to accomplish these actions in advance of the 3-year period scheduled.

Prompt action will provide more timely information on the degree to which States are using limited Federal resources to carry out the key strategies identified. Moreover, these steps will benefit State programs by providing data the States can use to promote best practices and identify and correct the challenges that States face in implementing laws designed to reduce alcohol-impaired driving.

Madam Chairwoman, this concludes my statement. I would be pleased to answer any questions you or members of the Subcommittee may have.

[The prepared statement of Mr. Scovel follows:]

STATEMENT OF HON. CALVIN L. SCOVEL III, INSPECTOR GENERAL, U.S. DEPARTMENT OF TRANSPORTATION

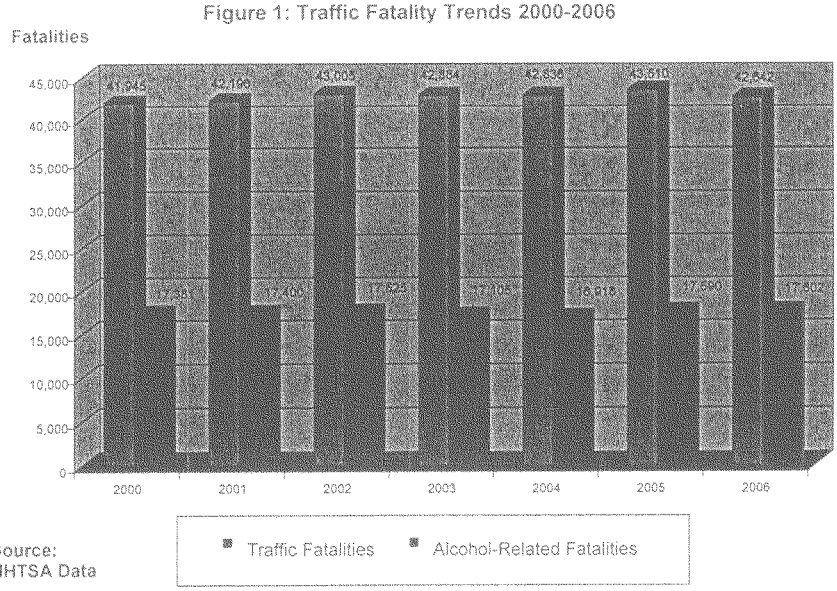
Chairman Lautenberg, Ranking Member Vitter, and members of the subcommittee, thank you for the opportunity to testify today on the effectiveness of Federal drunk driving programs. We are pleased to discuss our past and ongoing work in this important area. We recognize the Chairman's long-standing role in passing significant legislation designed to reduce alcohol-impaired crashes and lessen the emotional toll and significant costs these tragic deaths cause to the victim's families and the Nation as a whole. Our work has focused on ensuring the effective implementation of these laws—work that we believe complements the efforts of the Committee and of the other witnesses here today.

The Department's efforts to curb drunk driving are a key component in its overall work to reduce highway deaths. In 2006, over 42,500 highway traffic deaths occurred in the United States—the 17,602 alcohol-related highway traffic deaths accounted for about 41 percent of those reported fatalities. The number of alcohol-related fatalities essentially remained unchanged from the 17,590 alcohol-related fatalities in 2005. (A detailed breakout on alcohol-related fatalities by State through 2006 is in the Appendix to this statement.)

In addition to reducing the overall number of highway fatalities, a reduction in alcohol-related crashes would yield significant monetary savings, as the National Highway Traffic Safety Administration (NHTSA) estimates that these crashes cost

the Nation over $100 billion annually. Figure 1 shows traffic fatality trends for all traffic deaths and for alcohol-related fatalities from 2000 through 2006.

Figure 1: Traffic Fatality Trends 2000-2006



Source:
NHTSA Data

Recognizing the seriousness of this problem, the Administration and Congress have provided significant resources to counter alcohol-impaired driving.

• We estimate that appropriations authorized by the 1998 Transportation Equity Act for the 21st Century (TEA—21) will result in states' expending $1.1 billion in Federal resources provided through grants and fund transfers for alcohol-impaired driving programs.

• Further significant resources were authorized in August 2005 by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). Most notably, SAFETEA-LU increased funding for the grant program dedicated solely to reducing alcohol-impaired driving to $555 million and also increased funding for grants that are not dedicated solely to reducing alcohol-impaired driving but which can be used, in part, for these efforts.

Ensuring the effective use of this funding requires good laws, well-run State traffic safety programs, and effective leadership from NHTSA. We realize that impaired driving is a complex problem, with no simple solution. Accordingly, our recent[1] and ongoing work focused on providing NHTSA and the states with better tools (such as improved performance measures) with which to oversee and implement safety programs aimed at impaired driving. We believe that prompt implementation of our recommendations by NHTSA and its State partners will help ensure that key strategies for countering alcohol-impaired driving are more effectively carried out.

My statement today concentrates on three areas:

First, key strategies identified for countering alcohol-impaired driving. Our work found significant agreement across State and Federal jurisdictions on what strategies are most promising. State and Federal officials identified sustained enforcement of existing laws and effective prosecution and full application of available sanctions as key strategies of a successful program for countering alcohol-impaired driving. States identified a number of best practices for carrying out these strategies, including using fines to support enforcement efforts and streamlining the grant process for local communities. On the other hand, states identified individual challenges with fully implementing these strategies, such as lengthy arrest procedures and state-specific restrictions on sobriety checkpoints. NHTSA has published and pro-

[1]OIG Report Number MH–2007–036, "Audit of the National Highway Traffic Safety Administration's Alcohol-Impaired Driving Traffic Safety Program," March 5, 2007. OIG reports and testimonies can be found on our website: www.oig.dot.gov.

vided to the states guidelines on carrying out key strategies for countering impaired driving; but better tools are needed to more effectively implement these strategies.

Second, effectively implementing key strategies with better performance measures. NHTSA could better measure the effectiveness of key strategies if states included in their annual plans and reports more meaningful performance measures. For example, State officials and NHTSA agreed on the use of sustained enforcement—a strategy involving regular enforcement events, such as sobriety checkpoints or saturation patrols in high-risk areas. However, State plans and reports did not always detail the measures and data needed to assess the implementation of this strategy. As a result, the degree of progress, or lack of progress, this key strategy was having on the state's drunk-driving problem could not be determined.

Third, specific actions NHTSA needs to take, in concert with the states, to improve performance measures. Federal regulations place responsibility on each State to develop performance measures that are tailored to its specific safety challenges. Thus, NHTSA cannot mandate those performance measures. However, NHTSA can exercise its leadership with states and other key stakeholders, such as the Governors Highway Safety Association, to improve performance measures for alcohol-impaired driving and other traffic safety areas.

As a result of our audit work regarding alcohol-impaired driving, NHTSA has agreed to take a number of specific actions. These include working with the states to develop improved performance measures that communicate the degree to which key strategies are being implemented. NHTSA also agreed to encourage states to use this guidance; and it has committed to overseeing the degree to which these measures are adopted and used. Our ongoing work also shows the potential for improving performance measures for all traffic safety programs that NHTSA is responsible for, such as improving motorcycle safety.

We believe that the states and NHTSA's actions, if carried out, would provide states with better tools to judge their performance and would allow NHTSA to make valid comparisons across states. These actions would also enhance public accountability for programs to counter alcohol-impaired driving and other traffic safety problems by providing stakeholders with the information on the degree to which states are carrying out key strategies as they expend resources provided by Congress.

The balance of my statement provides further details on these three areas.

KEY STRATEGIES IDENTIFIED FOR COUNTERING ALCOHOL-IMPAIRED DRIVING

Our March 2007 audit reported on 10 state[2] programs implemented to counter alcohol-impaired driving under the Transportation Equity Act for the 21st Century (fiscal years 1998 through 2005). Our work did not assess the impact that laws or sanctions had on the states. Rather, we concentrated on what the states had done to implement their programs.

State officials attributed the success of their alcohol-impaired driving programs to a number of factors, but two key strategies emerged as prevalent: (1) sustained enforcement of laws and (2) effective prosecution with full application of available sanctions. Other prevalent strategies we identified addressed educational and medical aspects.

A sustained enforcement strategy focuses on high police visibility through sobriety checkpoints or saturation patrols[3] and media efforts to raise public awareness. We were not able to make valid comparisons across states on the implementation of this strategy because the performance data were not available. However, we did note an array of best practices for achieving a sustained enforcement strategy in all states. For example, enforcement programs were provided steady funding, local community needs were addressed, and arrest procedures were streamlined. To illustrate this, presented in table 1 are examples of best practices reported in five states with low alcohol-fatality rates visited during our review.

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[2]California, Connecticut, Ohio, Illinois, Missouri, New Jersey, New Mexico, New York, Texas, and South Carolina were selected for review based on 2003 data.

[3]Saturation patrols are coordinated law enforcement efforts in locations known to have high concentrations of alcohol-related arrests, crashes, injuries, or fatalities.

Table 1. Best Practices Reported for Generating Sustained Enforcement in Five States With Low Fatality Rates

✓ NY* encouraged participation by directing $20 million yearly in alcohol-impaired driving fines and penalties back to local communities for use on impaired driving enforcement and related equipment. NJ* also directed a portion of fines and penalties to local communities.
✓ NY and OH* established traffic-safety organizations to support local efforts throughout the state and improve communication: - NY's STOP DWI program. - OH's "Safe Communities" program.
✓ NY and NJ state police performed numerous alcohol-impaired driving enforcement activities in areas lacking local police resources.
✓ CT* state police used "flexible" enforcement to target risk areas in conjunction with local enforcement or on their own.
✓ CA,* CT, NJ, NY, and OH used various data other than fatalities to target enforcement, such as increased impaired driving citations or traffic crashes, blood alcohol content (BAC) levels, or citizen complaints.
✓ CA, NJ, NY, and OH provided grant information and guidance on-line to assist local communities in applying for grants.
✓ CA developed streamlined grant applications for routine high visibility enforcement grants.
✓ CA and NY required reports on county performance establishing greater accountability.
✓ CA used task forces to pool resources for impaired-driving issues.
✓ NY, CT, and CA directed the largest portion of their TEA-21 grant funding toward impaired driving.
✓ CT and NY used standing statewide committees to address traffic safety issues.
✓ NY and OH used traffic safety-related committees or boards at local levels.
✓ NY, CA, and NJ used a regional approach or regional safety zones to monitor local activities.
✓ CT deployed a mobile BAC and impaired driving processing vehicle.
*NY=New York, OH=Ohio, NJ=New Jersey, CT=Connecticut, CA=California.
Source: OIG analysis of information from the five low-fatality rate states reviewed.

Our work also highlighted the fact that more needs to be done to improve the use of a sustained enforcement strategy. As demonstrated in table 2, states we reviewed reported challenges in carrying out the strategy. Specifically, some states reported their inability to fund all requests for police patrols, which either produced gaps in enforcement or decreased the states' ability to target areas with a higher incidence of alcohol-impaired driving. Some states also noted lengthy arrest procedures that increased the cost of making arrests, decreased the number of offenders arrested during peak alcohol-impaired driving periods, and acted as a disincentive for police to make arrests.

Table 2. Challenges Reported in Generating Sustained Enforcement

✓	Evidentiary requirements of alcohol-impaired driving arrests tied up police officers during high-risk impaired driving periods.
✓	State budget cuts or resource availability limited traffic safety funding choices.
✓	Eligible local communities did not apply for grants.
✓	State police were not available to support alcohol-impaired driving programs due to competing priorities. A high concentration of rural roads or out-of-state drivers made it harder to enforce impaired driving laws.
✓	State highway safety programs were able to fund only a limited number of grant requests.
✓	It was difficult to fund high-visibility enforcement when needed to coincide with high-risk driving periods.
✓	Police were unable to perform sobriety checkpoints due to legal restrictions.
✓	State police had jurisdiction limitations, such as the inability to operate within local communities.
✓	State and local police forces were understaffed.
✓	Organizational conflicts or the political climate limited program implementation.
✓	Insufficient resources were available to routinely use task forces.
✓	Safety officials were prohibited by state law from lobbying for legislative changes.
✓	Officials had difficulties getting the type of data needed to better plan and run programs.
✓	There were too many or unclear national priorities or recommended approaches to choose from.

Source: OIG analysis of information from all states reviewed.

In the other key strategy, ensuring that offenders were convicted and sanctions were applied,[4] all states we reviewed reported challenges. Some officials perceived that ineffective prosecution and the states' failure to apply sanctions against those convicted of alcohol-impaired driving were weakening deterrent effects. For example:

- A safety official expressed concern that judges imposed court supervision against guilty parties instead of fines or penalties.
- Officials reported difficulty in preventing individuals from driving with a revoked or suspended license and in identifying repeat offenders.

To address these challenges, some states trained prosecutors and educated judges regarding applicable laws; tried cases in courts specializing in alcohol-impaired driving; and established a prosecutor liaison responsible for addressing questions on the enforcement strategy from prosecutors throughout the state.

The states we reviewed also applied educational and medical strategies.[5] However, in contrast to the key strategies of sustained enforcement of laws and effective prosecution with full application of sanctions, the states reported on these strategies less frequently. In the area of educational initiatives, each State provided some form of educational program on alcohol abuse at elementary schools, secondary schools, and colleges.

The medium through which schools implemented the strategy varied not only by state, but also by schools in a particular state. For example, states provided education material in public forums and in schools; used police officers to make presentations to elementary and secondary school students; held mock alcohol-impaired driving trials at schools or had students witness actual court proceedings; had convicted offenders, victims of alcohol crashes, or surviving family members of crash victims address students; and conducted information sessions on college campuses.

Finally, our audit noted that officials in all states reviewed reported that the resources provided under TEA–21 had benefited their efforts. States used this money on activities such as providing overtime pay for police to carry out enforcement efforts.

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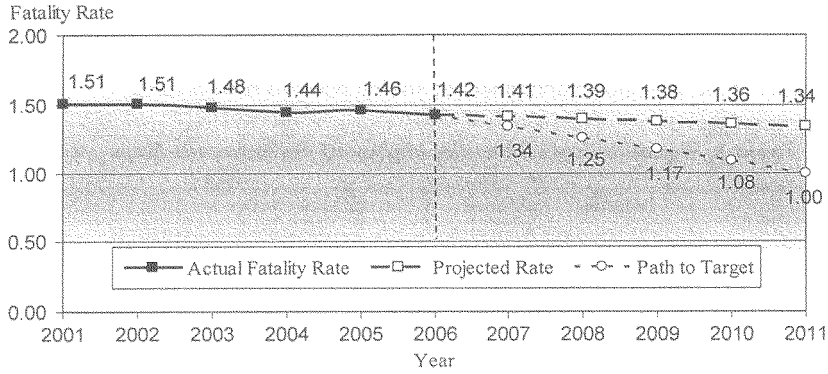
[4]According to NHTSA, one aspect of effective prosecution depends on the involvement of well-trained police officers and effective prosecutors. Another aspect is the application of sanctions as determined by an adjudicating official.

[5]According to NHTSA, medical strategies include medical screening, which consists of a primary or emergency room physician conducting short interviews with patients to screen for alcohol problems and to discuss the adverse effects of alcohol abuse and possible treatments. One State reported that it was actively exploring the implementation of medical screening in emergency rooms. Additional medical strategies advocated by NHTSA included offender treatment and rehabilitation.

EFFECTIVELY IMPLEMENTING KEY STRATEGIES WITH BETTER PERFORMANCE MEASURES

In 2006, the overall rate of highway fatalities per 100 million vehicle miles traveled declined slightly to 1.42, while the fatality rate for alcohol-related crashes with the highest blood alcohol concentration (.08 or above) remained flat. The Department's goal is to reach an overall highway fatality rate of 1.0 by 2011. As shown in figure 2, the Department needs to move quickly and effectively if it is to reach its goal by 2011. No appreciable improvement in reaching the Department's goal of reducing overall fatalities can occur unless alcohol-related fatalities also drop.

Figure 2: Overall Highway Fatality Rates Will Need To Improve Faster than Projected To Meet the Target Rate by 2011



Source: Actual fatality rates are from NHTSA's 2005 Transportation Safety Facts and 2006 Annual Assessment Report. Projected rates for 2007 through 2011 were calculated using NHTSA's forecasting methodology. The Path to Target line drops from 1.42 in 2006 to 1.00 in 2011 and assumes an equal annual decrease.

Better performance measures addressing the key strategies identified would help target resources to the areas most likely to lead to future reductions in alcohol-related traffic fatalities. States are required[6] to include performance measures in their annual reports and evaluations on traffic safety initiatives funded through Federal resources. Accordingly, it is the states' responsibility to develop the specific measures. Our work has found that the states' plans and reports do not include measures showing the degree to which they carry out key strategies for countering alcohol-impaired driving. NHTSA should prompt the states to include in their annual plans and reports more meaningful performance measures.

For example, the Highway Safety Plans and Annual Evaluation Reports for the 10 states we reviewed did not include a measure addressing the degree to which the states had carried out sustained enforcement. NHTSA defined this strategy as a sobriety checkpoint or a saturation patrol, conducted weekly in areas of the State where 60 percent or more of fatalities occur. It will be particularly important for NHTSA to verify states' performance regarding sustained enforcement because SAFETEA-LU requires states to provide assurances that they will support sustained enforcement of impaired driving laws as a condition for receiving certain highway traffic safety grants.

Regarding effective prosecution, neither NHTSA nor 9 of the 10 states we reviewed had established a specific gauge to measure the states' success. The one state, South Carolina, did include a performance-related measurement in the form of a conviction rate under grants designed to increase the number of successful convictions.

Table 3 illustrates the potential benefits of improved performance measures addressing the key strategies identified by State and Federal officials and includes elements of the sustained enforcement definition NHTSA has set forth.

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[6]Title 23, Code of Federal Regulations, Part 1200.

Table 3. Benefits From Potential Improved Performance Measures

Strategy	Potential Improved Performance Measure	Potential Benefits for NHTSA if States Used Such Measures
Sustained Enforcement	Accomplish sustained enforcement at a set percentage* of at-risk areas in the state.	NHTSA could better determine the degree to which states were carrying out SAFETEA-LU-required assurances to pursue this strategy. NHTSA could better determine whether emphasis on sustained enforcement had an impact on alcohol-related fatalities and injuries in at-risk areas.
Prosecution and Sanctions	Achieve a set percentage* of successful convictions for alcohol-impaired driving offenses.	NHTSA could better determine whether specialized training programs for prosecutors had an impact on conviction rates. NHTSA could better determine the impact of structural changes, such as the establishment of courts specializing in alcohol-impaired driving cases.

Source: OIG
*Percentage to be determined by NHTSA and the states.

Our ongoing work on NHTSA's oversight of State highway safety programs has also identified areas for improvement in performance measures, such as a mismatch between performance measures used in the State plans and those in the annual reports. For example, one state's performance plan measured the number of alcohol-related fatal crashes but its annual performance report measured the alcohol-impaired driving rate. This makes it difficult to determine whether the State had made progress in reaching its goal.

The need for improving performance measures in other traffic safety programs was also found. For example, one state's performance plan did not include a measure for reducing the number of motorcycle fatalities. The state's annual report identified a general measure for reducing motorcycle fatalities but the measure did not identify a specific target. This is an important area given that the number of motorcycle deaths increased nationwide by 5.1 percent in 2006.

While we recognize the autonomy granted to states to formulate performance measures and plans tailored to their specific needs, NHTSA's leadership in promoting the establishment and consistent use of improved performance measures would allow the states and NHTSA to better determine the effectiveness of key strategies. This in turn would give both the impetus to adjust programs and the application of resources as necessary.

SPECIFIC ACTIONS FOR NHTSA TO TAKE, IN CONCERT WITH THE STATES, TO IMPROVE PERFORMANCE MEASURES

In responding to our March 2007 audit, NHTSA agreed to take a number of steps that would provide better tools for assessing the degree to which states are carrying out key strategies to combat alcohol-impaired driving. We would encourage the timely completion of these actions in advance of NHTSA's proposed 3-year time period.

NHTSA noted that carrying out our recommendations would allow it and the states to better determine the effectiveness of key strategies and adjust the states' Highway Safety Plans as necessary. NHTSA officials also noted challenges posed, such as states experiencing difficulties with consistently collecting the needed data. Despite these challenges, NHTSA agreed to take the lead in working with states and other key stake holders, such as the Governors Highway Safety Association, to improve performance measures for alcohol-impaired driving. Specifically, it agreed to:

• Work in coordination with the states to develop performance measures to use in carrying out the key strategies identified for countering alcohol-impaired driving. NHTSA committed to initiating this work in 2007 and completing it by 2009.

• Provide the recommended measures to the states by March 2010.

• Modify the checklists its regional staff used when reviewing State safety plans and reports, to include checks on the use of and reporting on the performance measures. All this would be accomplished after NHTSA develops the recommended measures.

NHTSA must act with a greater sense of urgency. While we support the actions planned by NHTSA, given the importance of the issue, NHTSA should work with its State partners more aggressively to accomplish these actions in advance of the 3-year time period scheduled. Prompt action will provide more timely information on the degree to which states are using limited Federal resources to carry out the key strategies identified. Moreover, these steps would benefit State programs by providing data the states can use to promote best practices, and identify and correct the challenges states face in implementing laws designed to reduce alcohol-impaired driving.

Mr. Chairman, that concludes my statement. I would be pleased to address any questions that you or other Members of the Subcommittee might have.

Appendix

State Alcohol-Related Driving Fatalities (Calendar Years 2002 through 2006)					
State	2002	2003	2004	2005	2006
Alabama	410	414	432	445	475
Alaska	37	37	31	37	23
Arizona	489	471	446	508	585
Arkansas	241	252	264	218	254
California	1,628	1,629	1,667	1,769	1,779
Colorado	314	252	265	252	226
Connecticut	144	137	131	130	129
Delaware	50	61	51	64	57
D.C.	24	35	19	28	18
Florida	1,279	1,287	1,224	1,553	1,376
Georgia	533	483	536	562	604
Hawaii	47	71	64	72	84
Idaho	91	106	93	89	106
Illinois	653	637	613	595	594
Indiana	262	261	304	325	319
Iowa	137	145	111	117	148
Kansas	227	199	139	142	170
Kentucky	302	277	307	311	272
Louisiana	427	410	424	439	475
Maine	50	75	70	60	74
Maryland	276	287	286	239	268
Massachusetts	224	215	207	186	174
Michigan	494	485	431	438	440
Minnesota	256	266	191	208	183
Mississippi	335	321	352	390	375
Missouri	518	493	460	535	500
Montana	126	127	105	125	126
Nebraska	117	121	92	93	89
Nevada	165	180	154	169	186
New Hampshire	50	51	59	61	52
New Jersey	281	279	270	284	341
New Mexico	219	206	213	193	186
New York	482	540	594	580	558
North Carolina	592	528	549	562	554
North Dakota	49	53	39	59	50
Ohio	558	466	492	519	488
Oklahoma	251	260	282	286	263
Oregon	180	207	204	177	196

Senator BOXER. Thank you very much, sir.

Senator Vitter, would you like to make an opening statement?

OPENING STATEMENT OF HON. DAVID VITTER, U.S. SENATOR FROM THE STATE OF LOUISIANA

Senator VITTER. Thank you, Madam Chair. I will make a brief one.

Certainly, I applaud us having this hearing. It is a very, very important topic. We made significant strides at reducing drunk driving and drunk driving fatalities with changes the legal drinking age, but we have sort of hit a plateau, largely, since then.

As with a lot of problems, the work gets tougher the further along the curve you go. And so I think we need to re-group, which we are doing here, and your work is doing, to figure out those somewhat more subtle or complicated ways to bust through that plateau and go even lower in terms of reductions.

It is still a problem in my State, where 475 people lost their lives last year to drunk driving. I think we are doing some things right in my State, and I am encouraged by that, like the fact that we recently passed ignition interlock legislation for the first time, but we have other work we have to do. Certainly, get rid of the open container law which allows for open containers.

So I am very interested to hear all of your thoughts about how we do this in a partnership with States and others, and what specifically the best, most productive Federal role is.

Thank you, Madam Chair.

Senator BOXER. Thank you, Senator.

I just want to hone in on the Inspector General's points. I just want to compliment you, sir, because you are very direct and sometimes we don't get that, so I really appreciate it.

And so I guess I need to talk with the NHTSA representative and ask you this. You, from the tone of your voice, I know care about this a lot. The Inspector General is saying we need to really move. It seems to me, as we lay out the facts, let's just say, leave the emotion aside for a minute, and just look at what this is costing us and the fact that some States appear to be doing better than others. Is that right, Mr. Rosenker? Is it true?

Mr. ROSENKER. We have an 11 point program that we actually assess.

Senator BOXER. It is the model program.

Mr. ROSENKER. At this point, again California is one of those States that has completed a significant number of elements. There are only five States. Senator Vitter is getting close to it. Eight out of 11 gets close. Right now, the Senator's State in Louisiana has seven of those elements.

But a significant amount of work needs to be done at the State level if we are going to get the results we are looking for.

Senator BOXER. Well, knowing the bipartisan support we have here for the adoption of that type of program, I am just going to recommend something and you can think about it. It seems to me that, and maybe you have already done this, but we ought to have a summit here that NHTSA could call, where Members of Congress such as Senator Lautenberg, who has taken such a lead on this, and others across party lines would come and present. It seems to

me this is such an obvious plus if all the States were to enact this model program.

So I wonder if you would consider working with us on such a summit, where we really highlight this. Because the problem is, if it wasn't for Mothers Against Drunk Driving, people would just turn away. It is such a horrible thing to look at, what happens to families. And it is such a statement of the failure of our society. We all feel like we failed.

Look what we have done here. We have changed our laws. We have made our funds contingent upon States doing certain things. And even with that, as you point out, we have stalled out since the 1980's. And it is costing us over $100 billion a year. We can't afford that, not to mention the tragedies that befall families.

So I wonder if you have thought about doing some kind of a high profile, ask the President to come, the First Lady to come. We would have just all of us working together because there are a lot of issues we don't work together on. This is one we could.

Mr. ROSENKER. Madam Chair, we would be delighted to be a partner in such a program.

Senator BOXER. OK. Well, let's talk afterwards. Let's work together. That would be great.

Any questions, Senator?

Senator VITTER. Sure. Thank you, Madam Chair.

I take it from everything I have read that two key problems, not the only ones, but two problems near the top of the list are underage drinking still, and very, very drunk drivers. You know, folks who are just not near the limit, but way over the limit.

Is it correct that those are two key problems? And what specifically should we doing to focus on those in partnership with States?

Mr. BARRETT. Senator, I would be glad to address it from the Department of Transportation. I would agree with you. Those are two significant problems. To address the Chairman's point there, too, Nicole Nason, the NHTSA Administrator recently did convene a summit which was more focused than the one you are speaking of here on ignition interlocks. The emphasis of that meeting was, trying to get the criminal justice prosecutors, law enforcement in the States to focus on more effective use of that technology, which we believe is a deterrent and also a means of preventing recidivism. When installed on an offender's vehicle, ignition interlocks have been proven to reduce recidivism by as much as two thirds.

Recently, Louisiana, New Mexico, Illinois and Arizona have acted to make more aggressive use of interlock devices by enacting legislation requiring there use by first time DWI offenders. Also, we have joined with MADD on a campaign to eliminate drunk driving, which has among its areas of focus expanding the use of that technology.

We think that gets at the higher BAC offender, and Senator, you are absolutely right. If you look at drunk driving arrests and convictions, the median, this is the median, half above, half below, of the BAC where you have a .08 as the standard in all the States, is .15. So it is way up at the high end where we are seeing this problem. We have to get at what the NTSB Chair calls hardcore drunk driving.

We would frankly like to see more aggressive use of the interlock technology in States. They are trying to bring that forward to first offenders. We think it is effective. We think it has a deterrent effect and we certainly would encourage its use. We also support retaining the 21 minimum drinking age to prohibit underage drinking.

Senator VITTER. Any other reactions to those two problems in particular?

Mr. ROSENKER. Clearly, there is an issue now that we are very concerned about, and that is the issue to try to, believe it or not, bring the age from 21 down to 18. There is a lot of publicity about it. We believe it would bring back carnage on the highway like we saw back in the 1970's. When the 26th Amendment passed and States began to actually change their laws, what we saw was a 10 percent increase over those few years when in fact as many as 43 States changed their laws. There were only seven that kept the 21 law age limit. And we saw significant increases in the carnage and fatalities because of the lower age limit.

When they brought that age limit back to 21, we saw the reduction by 16 percent. We know that in fact these laws work. Despite the fact we have 21 age limit laws, a significant number of the fatalities that we see on our highways are teenage drivers that in fact have some form of alcohol in their bloodstream. And recognize that 6 percent of the driving public is between 15 and 20. They represent as drivers a little more than 12 percent of the fatalities, and as an age group, 20 percent of the fatalities.

Mix that with alcohol and we are going to increase those numbers significantly.

Mr. SCOVEL. Senator, if I may? To comment on the renewed movement to lower the drinking age. My office has not performed studies of that specific proposal so we don't have data of our own on which to rely. However, we have reviewed reports from NHTSA and also from the Centers for Disease Control that have pointed out significant benefits, as the other witnesses today have mentioned, to the fact that when the drinking age was raised, highway traffic deaths among that section of the population were significantly lowered.

We think the burden of proof is heavily on those who would advocate a change to the status quo to make clear why it is now necessary. In our view, we haven't seen compelling evidence to make that case.

One other point, sir. Our March 2007 project focused on NHTSA's ability to oversee and to implement the key strategies that both Federal officials and State officials have identified as the best ones for implementing Federal drunk driving programs. That is, sustained enforcement of existing laws and effective prosecution and maximum use of available sanctions.

We know that NHTSA currently doesn't have statutory authority to mandate performance measures on the States, and that raises complex policy questions, we realize, that are properly the purview of the Administration and of the Congress.

But we do believe that NHTSA has the ability to take a leadership role and on a collaborative basis to work with the States and its key stakeholders, like the Governors Highway Safety Associa-

tion to establish those performance measures that will allow both NHTSA and the States to measure the effectiveness of programs to carry out the strategies and to target Federal resources on those that have been proven most successful.

NHTSA has promised a 3-year timetable to move forward on a couple of key initiatives. Today in our statement, we have urged them to advance that timetable, and in view of the high stakes involved here, we think that would be most prudent.

Senator VITTER. Just to follow up on the drinking age issue, to sort of summarize, isn't it fair to say, if you look at the whole history of the drunk driving issue and all sorts of changes and legislation that has happened in one direction or another, the single biggest game by far, or loss when it happened in the other direction, in terms of the problem, has been associated with that drinking age. Isn't that fair to say, really without a close second in terms of identifiable factors?

Mr. BARRETT. Senator, I don't know if it is the greatest, but clearly it had a substantial impact in the years following its passage across the Country. The involvement dropped from approximately 60 percent of all fatal crashes down to the 40 percent range we are talking about. So it is enormously significant.

I also will offer, everybody has personal observations on this. Madam Chairman, if you give me leave, I would like to offer one on this particular issue.

I hear this bandied about that, if you are old enough to fight for your Country, you are old enough to have a beer kind of deal. I have a son who I am very proud of who served in combat recently who was under 21 when he served in combat. And yet at the same time, as a parent, and I won't speak for my son, I was very pleased that the drinking age when he returned was still 21. I don't think it is the same type of maturity we are talking about, to be able to handle essentially what is a drug ingested into your system, with the maturity associated with other high stress activities.

So I just think I want to offer that as a parent. I think the 21 age is essential. That is certainly the Department's position and we would not like to see any back pedaling on that.

Mr. ROSENKER. Right. If I could follow up with Admiral Barrett's comments, the statistics are there over the history of this issue. If we take a look at Virginia, for example, when they changed their law in 1974, there were 1,900 alcohol-related accidents. When they changed their law and dropped it to the age of 18 in 1979, 4,900 accidents occurred with teenagers with alcohol in their systems.

The facts are clear. They encourage the additional activity that enables them to have these kinds of accidents when you have this kind of drug in their bloodstream. It is that simple.

Senator BOXER. Thank you very much to our first panel.

I would just say in closing out this part, we want to be helpful. We need to be a team on this. There are lots of issues out there where we don't see eye to eye. We see eye to eye on this one and there is no reason that we cannot move strongly.

When the Inspector General says we need a greater sense of urgency, and I know we all have so much on our plate and there are so many issues. I would take those words very seriously. I think

a lot of these things are trends. We can step up to the plate and keep reiterating how we feel about this.

Admiral, I think your personal story that you shared with us is very meaningful. I just want to thank you for your service, for your son's service, and to say that you make a very important point because even when you think about the message we are sending our kids, that if they are in harm's way in combat and to ease the fear and ease the pain, they can turn to a drug like alcohol, it is going to hurt them. It is going to hurt the military. It is going to hurt everything. So I think you make a very important point.

This is an area where you almost want to shake America by the shoulders and say, wake up. Think of the torture we could save. That is not a good word. Think of the grieving we could prevent if we just understood this situation.

Now, I think that Senator Vitter is right to harp on the young driver, because the younger you are, the less likely you are to think anything can happen to you, you are infallible. We all know that. We remember back when we were young. People talked about death and we didn't really get it until we were a lot older. And this becomes a particular challenge, but on the bright side, we know how to reach young people with messages. We know how to reach them. We know the stations that they listen to on the radio, what they watch on TV. We know when they are a captive audience. We even know what websites they go on.

So I think this chance of developing a message that is aimed at the young people, and I know you do some of that, I think maybe we really do need to sit around in a summit that is a very broad one, and have breakout sessions and have people from the best advertising companies sit with us for free and give us their advice on how do we grasp the attention. Not everything has to have a dollar associated with it.

So again, I get back to that point. Mr. Rosenker, I really look forward to working with you, and with you, Admiral, and the Inspector General and with Senator Vitter, and let's move forward on this.

I thank you very much for your testimony.

Our second panel is Hon. Michael Fields, Judge, Harris County Criminal Court of Law, Number 14, State of Texas; Mr. John Wheeler, Governor's Crime Advisor, Department of Public Safety, State of New Mexico; and Mr. Glynn Birch, National President, Mothers Against Drunk Driving.

We welcome you all here.

We will begin with Hon. Michael Fields, Judge, Harris County Criminal Court of Law.

STATEMENT OF HON. MICHAEL R. FIELDS, JUDGE, HARRIS COUNTY CRIMINAL COURT OF LAW, NUMBER 14, STATE OF TEXAS

Judge FIELDS. Good morning, Senator Boxer. Thank you. In light of what devastation is going on in your State, I particularly appreciate your being here today.

Ranking Member Vitter and distinguished members of the Subcommittee, thank you for having us here today, and thank you for inviting me to appear before you today.

It is an honor to be here, and I am especially pleased that as a member of the judiciary I have been allowed the opportunity to participate in this very important issue.

Senator Boxer, you are correct. We do see eye to eye on this issue. No member of the community and no member of the judiciary wants to see anyone's loved one lost to the tragedies of drunk driving.

I want to commend the U.S. Congress for its leadership in the fight to eliminate the threat of drunk driving. In particular, the resources that you have provided to the States has helped communities across this Country. As you well know, each year in this country 13,000 people, some say more than 17,000, are killed in alcohol-related traffic crashes where the driver's blood alcohol content is .08 or greater.

The crash data reveals some very interesting points. The first being that over the last 10 years, the decline in these tragedies has flat-lined. The question becomes, why is that? The second is that drunk drivers, particularly hardcore drunk drivers, are those who drive with high BACs, .15 or greater, and repeat offenders who are resistant to changing their illegal behavior, require special adjudication strategies if further declines are to occur.

The judiciary, in my opinion, plays a pivotal role in that effort to reduce and ultimately eliminate drunk driving. In order for all of the laws and strategies that we have heard about here this morning to work, judges must be a part of the process on how to effectively implement those laws. They must be consulted on how it is that the laws as they are written, although well intentioned, can often result in conflicting results.

These cases, especially dealing with hardcore drunk drivers, are often very complex and as such judges need to be able to exercise discretion in sentencing so that the sentences can be tailored to individual offenders. To accomplish that, we have to realize that one goal, one cookie cutter size, does not fit all.

My experience tells me that there are certain strategies that have been proven to work. In Harris County, we use a combination of efficient docketing strategies of cases, using effective sanction strategies, and a combination of time management, technology in position, and treatment to eliminate the threat of hardcore drunk driving.

Evidence suggests that the sooner a person who meets the criteria of a hardcore drunk driver is identified, the sooner and more likely that they can begin the process of rehabilitation and reduce the likelihood of re-offending.

A combination of effective adjudication, pretrial service strategies, in concert with judicial leadership holds the greatest potential for reducing drunk driving and the tragedies that occur as a result. That is why for the last 4 years, I have been involved in an exciting educational project, along with the National Association of State Judicial Educators, the Century Council and other judges from around the Country, that has so far touched nearly 4,000 judges in more than two thirds of the United States.

We educate judges on leadership principles and how those principles can guide sentencing strategies in making a difference. Some of those are: recognizing high BAC as a sign of a hardcore drunk

driver; pretrial supervision strategies; drug and alcohol evaluations and assessments; intensive monitoring and supervision during probation; staggered sentencing, as Senator Klobuchar said happen in her State; the use of vehicle sanctions, including interlocks; home confinement; dedicated detention facilities; and other measures.

Senator Klobuchar said, and I agree, that our mothers, fathers, sisters and brothers are being killed. But they are also the ones who are doing the killing. We have to do more to help those people out of their addictive behavior and out of those killing situations.

Thank you for having me.

[The prepared statement of Judge Fields follows:]

STATEMENT OF HON. MICHAEL R. FIELDS, PRESIDING JUDGE HARRIS COUNTY CRIMINAL COURT OF LAW, NUMBER 14, STATE OF TEXAS

Good morning Chairman Lautenberg, Ranking Member Vitter and other members of the Subcommittee. Thank you for inviting me to testify before you today on the issue of drunk driving prevention. It is an honor to be here.

I want to thank the U.S. Senate for including State incentives for judicial education efforts and DWI courts in the 2005 SAFETEA-LU bill. I also want to commend your commitment to fully fund U.S. Department of Justice efforts to expand DWI courts across the Nation. Your congressional leadership will foster the development and adoption of programs that show great promise in addressing this complex issue.

Each year more than 13,000 people in this country are killed in alcohol-related traffic crashes involving a driver or motorcycle operator with an illegal blood alcohol concentration (BAC) of .08 or higher. The majority of these deaths are caused by hardcore drunk drivers, those who drive at high BAC levels (.15 and above) and repeat offenders. Over the last 10 years, progress in reducing alcohol-related traffic fatalities has generally remained unchanged and the percentage of fatalities involving hardcore drunk drivers has not decreased.

The judiciary plays a pivotal role in the effort to reduce drunk driving. Of all types of criminal cases, drunk driving cases are among the most complicated in terms of legal and evidentiary issues, and hardcore drunk driving cases are often especially challenging. Judges need judicial discretion in order to effectively deal with these offenders who vary greatly in their response to specific deterrent efforts. In order to adequately address the individual needs of drunk driving suspects and convicted offenders, judges require greater flexibility in sentencing options. This is especially true as it concerns the hardcore offenders. Research has shown that alternative sentencing methods, tailored to each offender, such as staggered sentencing, the imposition of ignition interlock devices as well as other forms of technology geared at stopping the addictive behavior commonly associated with hard core drunk drivers can have a profound effect on an offender's ability to avoid re-offending. In contrast, drunk driving sentences that do not take past criminal history and habits into consideration may actually contribute to recidivism. The judicial system can produce a significant social impact with a thoughtful, individualized combination of sanctions that force a hardcore drunk driver to change his or her behavior or face additional consequences. As important as judicial discretion and sentencing alternatives are, they alone will not change the landscape in the field of hardcore drunk driving. Judges must "take the reigns" so to speak, and adopt a greater leadership role in the effort to combat hardcore drunk driving.

For the last 4 years I have been working with organizations such as the National Association of State Judicial Educators, The Century Council as well as judges and judicial educators from across the Nation on an exciting judicial education project. To date, more than 4,000 judges in nearly two-thirds of the United States have received this invaluable leadership training and the companion Hardcore Drunk Driver Judicial Resource Guide. However, there's still more to do. Educating judges on the issues surrounding hardcore drunk driving as well as teaching strategies to effectively reduce all drunk driving, is critical to stemming the tide of drunk driving deaths. The Hardcore Drunk Driver Judicial Guide's goal is to educate judges on the need for comprehensive sentencing that not only punishes the criminal behavior of driving while intoxicated but also changes the addictive behavior associated with drunk driving by rehabilitating offenders, thus reducing recidivism rates.

From the moment a person who research suggests may be a hardcore drunk driver first appears before a Judge or Magistrate to the time of final conviction and sen-

tencing, the criminal justice system must immediately begin to assess and address the reason(s) for the offender's behavior and work to reduce future occurrences. Unfortunately, at times inadequate funding and resources, a lack of judicial leadership or other breakdowns in the system thwart that opportunity. That is why, in Harris County, we strive to avoid such system failures by utilizing efficient docketing of cases, coupled with the logical use of both technology and treatment in an effort to stop drunk driving. Evidence, both anecdotal and real, suggests that the sooner a person identified as a hardcore drunk driver begins the process of rehabilitation, the greater the likelihood that they will not re-offend in the future.

As a result of my judicial training experience coupled with my own personal experiences, I believe the following strategies are effective as it relates to changing an offender's behavior and reducing recidivism:

Increased resources for judicial training and for developing effective judicial strategies such as DWI Courts, DWI tracking systems, supervised probation and treatment programs that increase sentence compliance;

Legislative recognition that high BAC levels of .15 percent and above are an indicator of a hardcore drunk driver. (The fatality risk posed by drivers at .15 BAC levels is more than 300 times that of a sober driver. Currently, these drivers are involved in 58 percent of all alcohol-related traffic fatalities);

Greater compliance monitoring and increased penalty options for non-compliant offenders (Studies show that hardcore drunk drivers often fail to comply with their sentences because they know it is unlikely they will be caught, making the conviction meaningless and increasing recidivism);

Utilization of pre-trial supervision programs for repeat offenders and first offenders who identify as potential hardcore drunk drivers so they can obtain counseling, treatment and monitoring as soon as possible following a DWI arrest. (A long-term analysis of Wisconsin's pretrial intervention program shows participants were less likely to be re-arrested for drunk driving);

Employment of pre-sentence investigations or interviews with drunk driving offenders in order to track and review the offender's record, any previous sanctions imposed, and compliance history (This will further enable judges to choose sanctions that will help protect the public while punishing and rehabilitating the offender);

Mandate an alcohol assessment for all hardcore offenders so that alcohol addiction can be identified and appropriate treatment and aftercare can be administered. (While sanctions that merely punish drunk-driving offenders can serve as necessary and useful tools, they are meaningless unless accompanied by rehabilitation efforts that deal with long-term lifestyle changes. Otherwise, recidivism will always be a looming issue);

Utilize intensive monitoring, supervision and probation during the drunk driving offender's rehabilitation program to increase the chances of sentence completion (This is another promising strategy shown to reduce drunk driving);

Consider staggered sentencing with intensive probation. (This concept is being implemented in Minnesota and staggers the repeat offender's jail sentence into three periods with probation between each period. Offenders serve the first period of incarceration but the remaining periods can be suspended if the offender succeeds in meeting rehabilitation criteria. A 2003 preliminary analysis by the Minnesota House of Representatives found a 50 percent reduction in DWI recidivism through this program);

Judicial intervention in the plea bargaining process so as to insure effective sentencing of drunk driving offenders;

Restrict diversion programs in order to prevent repeat offenders from being mistakenly identified as first offenders.

Increase measures to reduce failures to appear at hearings. (Criminal defendants should not be allowed to flee the jurisdiction of the Courts without appropriate repercussions.)

Preventing convicted drunk drivers from re-offending through the use of vehicle sanctions such as impoundment, immobilization and ignition interlocks while they are serving probation. Vehicle sanctions should be applied in tandem with alcohol assessment and treatment as required. Otherwise, the offender will likely resume his or her drunk driving behavior once the vehicle sanction is removed. Ideally, the judge should determine the amount of time a vehicle sanction remains in place based on the offender's progress in alcohol education or treatment.

Use of home confinement with electronic monitoring in tandem with other interventions such as treatment as an alternative to jail. (Numerous studies have found home confinement to be effective in reducing DWI recidivism);

Utilize dedicated DWI detention facilities that combine confinement with supervised alcohol treatment services. (In Suffolk County, New York repeat DWI offenders are allowed to choose between 2–3 years in the State penitentiary or 6 months

in the County DWI jail followed by a 5-year intensive probation program. If they violate the terms of their sentence or probation, they must return to the State penitentiary to serve their full sentence);

In conclusion, drunk driving—particularly hardcore drunk driving—is a very complex problem that requires comprehensive solutions. A series of mutually reinforcing interventions tailored to individual offenders will undoubtedly lead to behavioral change and reduce drunk driving recidivism. Focusing on the complexities and challenges that exist in the judicial system with regard to drunk driving should be a top priority. Many times, these challenges cannot solely be met through the passage of State legislation. It is essential that Federal and State laws aimed at reducing drunk driving carefully avoid prescriptive sanctions that limit judges from considering individual offender's needs.

Understanding the judicial system, increasing its resources and focusing on improvements in each State and locality are important steps in reducing drunk driving. In addition, understanding each DWI offender and building a set of individualized sanctions will rehabilitate offenders and reduce recidivism. In order to significantly impact the hardcore drunk driving problem, these actions are essential. In recent years, millions of Federal dollars have been allocated to highly visible enforcement efforts to identify suspected drunk drivers on our roads and several thousand laws have been passed to sanction convicted offenders, yet the drunk driving problem has remained largely unchanged.

By expanding our focus to incorporate effective sentencing strategies, increased Judicial education efforts along with appropriate judicial leadership and discretion drunk driving and its related fatalities will be dramatically reduced. Thank you.

RESPONSES BY HON. MICHAEL R. FIELDS TO ADDITIONAL QUESTIONS FROM SENATOR LAUTENBERG

Question 1. Recognizing that each drunk driving case is complex, requiring a combination of solutions tailored to the individual. Do you believe that Federal sentencing mandates, like the 1-year hard suspension, handicap your ability to adequately and effectively deal with drunk driving offenders?

Response. Thank you for allowing me the opportunity to supplement my earlier testimony. In response to your first question, while certain Federal sentencing mandates may not directly handicap a Judge's ability to adequately and effectively deal with drunk driving offenders, the unintended consequences of those mandates often do. One such example is the Federal mandate that requires a 1-year "hard" suspension for Second offenders. The hard suspension requirement negates the ability of Judges to issue an occupational driver's license during the suspension period to those offenders who wish to take probation. Consequently, defendants are unable to get to and from work in order to pay probation associated fines and fees. As a result, these offenders do not receive the treatment needed to end their alcohol or drug addiction. The unintended consequence is higher recidivism rates. Judges must be allowed to issue limited occupational licenses (with interlock requirements) to defendants who accept probation so they can continue to work, receive treatment and attend probation meetings.

In my experience, most first or second drunk driving offenders who refuse probation end up doing minimal jail time with no treatment component attached. They then drive without a license (or insurance) during the post conviction suspension period to get to work. This often leads to additional charges being filed against the defendant for unlicensed driving, thereby creating a "revolving door" effect.

Question 2. When we reauthorize SAFETEA what recommendations would you have to incorporate effective strategies to deal with repeat offenders?

Response. One recommendation I would make is to require Judges to place interlock devices on defendant's vehicles who are identified as potential hardcore drunk drivers (HCDD's). Creating incentives for counties to build treatment facilities in addition to jails or at least requiring that a certain percentage of beds in jails be designated for alcohol and drug treatment purposes would also be helpful. Finally, providing Judicial education about the use of technology such as trans-dermal alcohol monitoring, Ignition Interlocks, electronic monitors and other DWI prevention strategies will assist in properly equipping Judges to effectively deal with these complex cases. Finally, Judges need the ability to implement post conviction treatment requirements for those defendants who choose to forgo probation.

Senator BOXER. Thank you, Judge.

And now we hear from John Wheeler, who is the Governor's Crime Advisor, Department of Public Safety in the State of New Mexico. Welcome, sir.

STATEMENT OF JOHN WHEELER, GOVERNOR'S CRIME ADVISOR, DEPARTMENT OF PUBLIC SAFETY, STATE OF NEW MEXICO

Mr. WHEELER. Thank you, Madam Chair and Ranking Member Vitter. On behalf of the State of New Mexico, Governor Richardson and our DWI Czar Rachel O'Connor, thank you for the opportunity to present testimony today.

New Mexico has both a chronic problem with drunk driving and a long history of using innovative solutions to alleviate that problem. From 1979 through 1996, New Mexico led the Nation in drunk driving fatalities. In the early 1990's, New Mexico had nearly 400 alcohol-involved fatalities per year. In 2006, New Mexico had 191 fatalities and preliminary statistics for 2007 indicate a third record low year.

The Richardson Administration has instituted a number of progressive programmatic and policy changes, and I would like to talk about the programs that we feel work.

In 2003, the Governor convened State agency representatives and advocates to develop a stateside DWI plan. Based on the recommendations in 2004, the Governor hired a DWI Czar, a cabinet level position, to plan and lead our efforts in DWI. IN 2005, based on NHTSA funding, we developed a leadership team to act as a single point of focus to address issues of policy and program change.

New Mexico uses DWI checkpoints to reduce drunk driving and raise awareness of enforcement initiatives. In 2004, the State increased its number of super-blitzes, 2 week periods of very focused enforcement. The State uses Federal Section 164 and Section 410 enforcement dollars to fund approximately 700 DWI checkpoints a year through the super-blitz and checkpoint program.

New Mexico also receives funds from NHTSA's 403 and Section 164 programs to fund a pilot program with full-time DWI law enforcement officers in those counties in New Mexico where DWI is the deadliest. Enforcement efforts are accompanied by an extensive multimedia campaign entitled You drink, You drive, You lose, and outreach coordinators who help us get the message out.

In 2006, the Department of Public Safety started the Drunkbuster hotline, a toll-free, 1–800 and three digit cell phone number to report drunk driving. In 2007 so far, Drunkbusters has received 11,000 calls. We believe it has resulted in 400 law enforcement contacts that may not otherwise have occurred.

The State has also increased both the enforcement efforts and the penalties for bars and restaurants that chronically serve minors or individuals who are intoxicated. Both of these are funded by Section 164 dollars.

In 2004, Governor Richardson spearheaded a task force to study and make recommendations regarding the use of ignition interlock as a tool to reduce recidivism and deter drunk driving in New Mexico. In 2005, the Governor signed the Ignition Interlock Act and New Mexico became the first State to mandate ignition interlock for all convicted DWI offenders, including first time offenders.

Both nationally and in New Mexico, Native Americans die from alcohol-involved crashes at a rate up to five times that of non-Native Americans. In 2007, the Governor, by executive order, appointed a State-Tribal DWI Task Force to make recommendations

to reduce alcohol-involved fatalities on tribal and pueblo lands. The State has been proactive on this issue, developing the first television public service announcement that addresses drunk driving by Native Americans, and hiring a DWI coordinator to liaison between State, Federal and tribal individuals.

I want to conclude by emphasizing several points. Using preliminary figures for 2007, we expect to experience an over 20 percent drop in alcohol-involved fatalities from 2005 to 2007, and an equal drop in alcohol-involved crashes and injury crashes.

Second, we are grateful for the nearly $10 million in Federal funding we have received through NHTSA programs to help us in this effort.

Finally, we believe it is not just one effort, but a combination of these programs and the programs that have been talked about here this morning that have led to the current trend, and New Mexico is committed to increasing the reduction in the future.

Thank you for the opportunity and I would appreciate any questions you might have.

[The prepared statement of Mr. Wheeler follows:]

STATEMENT OF JOHN WHEELER, GOVERNOR'S CRIME ADVISOR, DEPARTMENT OF PUBLIC SAFETY, STATE OF NEW MEXICO

Mr. Chairman, members of the Committee, my name is John Wheeler, Crime Advisor to Bill Richardson, Governor of the State of New Mexico. I am here to present information regarding our DWI programs on behalf of Governor Richardson and the State's DWI Czar, Rachel O'Connor. It is a pleasure to be here today.

New Mexico has both a chronic problem with drunk driving and a long history of utilizing creative and innovative solutions to solve it. From 1979 through 1996 New Mexico led the Nation in drunken driving fatalities. In the early 1990's New Mexico had nearly 400 alcohol involved fatalities per year. In 2006, New Mexico had 191 fatalities and preliminary statistics for 2007 indicate a third consecutive year of record low numbers.

The Richardson Administration has instituted a number of progressive programmatic and policy changes that have reduced alcohol involved fatalities in New Mexico. I would like to discuss programs that we believe have been effective:

Leadership: In 2003 the Governor convened State agency representatives and advocates to develop a statewide strategic plan to reduce alcohol involved fatalities. Based on the recommendations of the planning team the Governor in 2004 hired a "DWI Czar" a Cabinet level position charged with implementing the State Plan and leading our efforts on DWI. In 2005 as part of a National Highway Traffic Safety Administration (NHTSA) funded law enforcement effort the State also developed a "Leadership Team" on DWI which includes representation from all State agencies, courts, and the advocacy community. The Leadership Team provides a single point of focus to discuss mutual issues and make recommendations regarding DWI program and policy issues.

Enforcement and Public Awareness: New Mexico uses DWI checkpoints to reduce drunk driving and raise awareness of enforcement initiatives. In 2004 the State increased its number of "Superblitzes" which are 2 week periods that include a high concentration of checkpoints. The State uses Federal Section 164 and Section 410 enforcement dollars to fund approximately 700 DWI checkpoints a year through its Superblitz and checkpoint program.

The State of New Mexico also receives funds from NHTSA's Section 403 and Section 164 programs to fund a pilot program with full time DWI law enforcement officers in those counties where DWI is the deadliest. Enforcement efforts are accompanied by an extensive multi-media campaign (funded by Section 164 and Section 410) entitled "You Drink, You Drive, You Lose" and outreach coordinators who increase the visibility of law enforcement through non traditional media efforts.

In 2006 the Department of Public Safety started the Drunkbuster Hotline, a toll free hotline to report drunk driving. In 2007 Drunkbusters has received over 11,000 calls resulting in over 400 contacts with police that may not otherwise have occurred. The State has also increased both the enforcement efforts and the penalties for bars and restaurants that chronically serve minors or person who are intoxi-

cated. Both of these projects are funded primarily by State dollars and are supplemented by Section164 dollars.

Ignition Interlock: In 2004 Governor Bill Richardson spearheaded a Task Force to study and make recommendation regarding the use of Ignition Interlock as a tool to reduce recidivism and deter drunk driving in New Mexico. In 2005 the Governor signed the Ignition Interlock act, becoming the first State to mandate Ignition Interlocks for all convicted DWI offenders, including first time offenders.

Native American: Both nationally and in New Mexico, Native Americans die from alcohol involved crashes at a rate of up to five times that of non-natives. In 2007 the Governor by Executive Order appointed the State Tribal DWI Task Force to make recommendations to reduce alcohol involved fatalities on tribal lands. The State has been proactive in this issue, developing the first television public service announcement that addresses drunk driving among Native American tribes, and hiring a DWI Tribal Coordinator to liaison between the State and New Mexico tribes on issue related to enforcement, public policy, public awareness and data sharing. Both the Coordinator and the PSA were funded by Section 164 dollars.

I want to conclude by emphasizing several points. Using preliminary figures for 2007 we expect to experience an over 20 percent reduction in alcohol involved fatalities from 2005–2007; and an equal drop in alcohol involved crashes and injury crashes. Second, the State utilizes and is grateful for the nearly $10 million dollars per year in funding that we received from the National Highway Traffic Safety Administration (NHTSA) to implement many of these programs in our State. Finally, we believe it is not just one effort but a combination of the above described efforts that have led to our reduction.

Thank you.

Senator BOXER. Thank you, sir, very much.

And now, Mr. Glynn R. Birch, National President, Mothers Against Drunk Driving. We welcome you here.

STATEMENT OF GLYNN R. BIRCH, NATIONAL PRESIDENT, MOTHERS AGAINST DRUNK DRIVING

Mr. BIRCH. Thank you, Madam Chairman and Ranking Member Vitter.

Thank you for the opportunity to testify before the Subcommittee on Effectiveness of the Federal Drunk Driving Programs. Madam Chairman, from your comments already, I want to thank you for your keen sense of understanding the problem and your leadership.

I became involved with MADD after my son Courtney was killed by a drunk driver on May 3d, 1988. Courtney was playing with his two older cousins when he heard an ice cream truck in his grandmother's neighborhood. Hearing the sound of the ice cream truck, Courtney followed his cousins outside. That is when the offender's car came barreling down the street, hit Courtney going over 70 miles per hour, dragged his body over 150 feet before the car finally stopped. My son was killed instantly by a three time repeat offender who had a BAC of .26.

Madam Chairman, we need to be honest with ourselves. Most of the progress of drunk driving occurred in the mid–1990's. While our efforts, along with those of MADD and other groups that have brought the drunk driving situation to be socially unacceptable, it is still tolerated. Data tells us that up to 75 percent of drunk drivers continue to drive, and even with their license being revoked. Statistics from May 2000 of the Columbus Dispatch article, it should alarm us all. It states, according to the story, that Ohio citizens share the road with 33,000 DUI offenders with five or more convictions. It is also startling that the on the road there are 147,000 people with three or more convictions.

Faced with this dilemma, MADD has looked carefully at the numbers. Now, MADD keeps in mind that if we continue to do the

same things, we shouldn't expect a different outcome. Following only those solutions proven to work, last November MADD announced a campaign to eliminate drunk driving. Now, the four elements of the campaign are high visible law enforcement, mandate that interlocks be on all convicted drunk drivers, and voluntary development of advanced technology, and the last of the elements is the grassroots mobilization which MADD proudly does. I have also submitted testimony on record on this.

But MADD believes that anyone who violates the public trust and drives drunk, 27 years after everyone knows the effects of drunk driving, has earned the right for an alcohol ignition lock device be placed on their device or his or her vehicle. The offender has to blow into the device before the car will start. They can do anything else that the rest of us can do, they just can't drive drunk.

Had an alcohol ignition interlock law been in place in my home State of Florida in 1988, my son Courtney would be here today alive, I believe. Last year, Senator Vitter, or just this year, three States joined New Mexico in passing legislation to require ignition interlocks on all first time DUI offenders, so I applaud your State for their efforts. These States mandated interlocks for those convicted at .08 BAC or higher. This is our highest legislative priority as far as MADD goes.

MADD supports substantial Federal incentive grants for States that pass legislation requiring interlocks on all first time offenders with a BAC of at least .08. MADD also supports the consideration of soft sanctions for States that do not have interlock laws on drunk driving convictions of .15 and above and all repeat offenders. Again, we do not support hard sanctions for States on this measure because major progress is being made without that happening.

We continue to support hard sanctions for States on laws where the scientific data is overwhelming, such as the 21 minimum drinking age, the national .08 BAC standard, and zero tolerance laws for underage drinkers.

We also would request increased Federal funding to help with the cooperative research initiative between the automotive industry and the Federal Government to support technologies that may eventually prevent vehicles from being started by drunk drivers.

So Madam Chairman, in closing, there are some who advocate lowering the drinking age to 18. I would like to submit for the record statements from the American Medical Association, the National Transportation Safety Board, and the Insurance Institute of Highway Safety with regard to the science behind the law. There is no controversy in the science. The science supports the law.

The bipartisan work that has taken place in the Senate and elsewhere have saved lives. Thanks to their efforts, 25,000 parents somewhere will know that the tragedy of their son or daughter, getting that call at 2 o'clock in the morning, won't happen. I know this first hand and would like to make sure that it doesn't happen to any other parent.

MADD believes that the way to save lives and to move forward on drunk driving is through the support of the 21 laws, ignition interlock legislation for all convicted drunk drivers, and eventually

new technology that will 1 day not allow the car to start for drunk drivers.

Since 1980, together we have made great progress, but it is still tolerated. Drunk driving is still tolerated. With interlocks, drunk driving is no longer tolerated. With advanced technology, it will be impossible. That is the march of MADD, and we invite the support of the Congress, the Administration and the American people.

So I would like to end by saying I will be open for questions, but before I do that, Madam Boxer, I would like to acknowledge a MADD mom from your State of California. Mary Clarksburg is right behind me sitting.

Senator BOXER. Welcome.

Mr. BIRCH. Thank you for your time, and I welcome any questions that you have.

[The prepared statement of Mr. Birch follows:]

STATEMENT OF GLYNN R. BIRCH NATIONAL PRESIDENT, MOTHERS AGAINST DRUNK DRIVING

Chairman Lautenberg, Ranking Member Vitter, and members of the subcommittee. Thank you for the opportunity to testify before your subcommittee on the effectiveness of Federal drunk driving programs.

Mr. Chairman, I want to publicly thank you for your efforts to stop drunk driving. You have played a singular role in this fight and MADD sincerely appreciates your steadfast leadership. Extraordinary progress has been made to reduce drunk driving, with a 44 percent reduction in alcohol-related fatalities since 1980—the year MADD was founded. We would also like to thank law enforcement, prosecutors, NHTSA, State highway safety offices, and others for their leadership. Most especially we want to thank the American people, who demanded that progress be made. This has truly been a team effort.

For more than 15 years, I have worked as a volunteer to try and advance MADD's lifesaving mission at the local, state, and national levels.

I became involved with MADD after my son, Courtney, was killed by a drunk driver on May 3, 1988. Courtney was playing with his two older cousins at his grandmother's house. Hearing the music of an ice cream truck, Courtney followed his cousins outside. That's when the offender's car came barreling down the street and hit Courtney at 70-miles per hour, dragging his small body over 150 feet before the car stopped. My son was killed instantly by a three time repeat offender with a BAC of .26.

Mr. Chairman, as you know this must not be tolerated. In the fight against drunk driving, however, we also have to be honest with ourselves. Most of the progress on drunk driving occurred by the mid 1990's thanks to the 21 minimum drinking age, zero tolerance laws, the national .08 standard, administrative license revocation, and especially, tireless leadership by law enforcement.

For the past 10 years, we have been able to maintain this progress, but have made no further gains. In 2006, there were nearly 13,500 fatalities involving a driver or motorcycle operator with at least a .08 blood alcohol concentration (BAC) and nearly half a million injuries due to alcohol-related traffic crashes. While your efforts along with those of MADD and other groups have made drunk driving socially unacceptable, it is still tolerated.

For too long in America, we have been practicing a "catch and release" program. Law enforcement does their very best to catch drunk drivers and we as a society through our legislatures and courts, let them go. The science tells us that up to 75 percent of drunk drivers continue to drink and drive even when their licenses have been revoked. Statistics from a May 7, 2007 Columbus-Dispatch article should alarm us all. According to this story, Ohio's citizens share the road with 33,000 DUI offenders with five or more convictions! They are also sharing the road with 147,000 people with three or more convictions! We are certain that Ohio is not the only State with this problem as we hear media report, after media report and victim story after victim story telling us repeat drunk driving offenders put our families at risk every day.

Faced with this dilemma, MADD has looked carefully at the numbers—each representing a precious life—to try and decide what can be done to again reduce drunk

driving fatalities and injuries. MADD keeps in mind that if we continue doing the same things, we shouldn't expect a different outcome.

Following only those solutions proven to work, MADD announced the Campaign to Eliminate Drunk Driving on November 20, 2006.

The Campaign's 1-year anniversary is just a month away, and here are its four parts:

- Intensive high-visibility law enforcement, including twice-yearly crackdowns and frequent enforcement efforts that include sobriety checkpoints and saturation patrols in all 50 states.
- Full implementation of current alcohol ignition interlock technologies, including efforts to require interlock devices for all convicted drunk drivers. A key part of this effort will be working with judges, prosecutors and State driver's license officials to stop the revolving door of repeat offenders.
- Voluntary exploration of advanced vehicle technologies through the establishment of a Blue Ribbon panel of international safety experts to assess the feasibility of a range of technologies that would prevent drunk driving. These technologies must be moderately priced, absolutely reliable, unobtrusive to the sober driver, and set at the illegal limit of .08.
- Mobilization of grassroots support, led by MADD and its more than 400 affiliates, and our partners to make the elimination of drunk driving a reality. MADD is uniting drunk driving victims, families, community leaders, and policymakers in the fight to eliminate drunk driving.

MADD believes that anyone who violates the public trust and drives drunk 27 years after everyone knows the effects of drunk driving has earned the right for an alcohol interlock device to be installed on his or her vehicle. The offender has to blow into the device before the car will start. The offender can still go to work, pick up his or her kids from school, or do anything the rest of us can do. They just can't drive after drinking, in violation of their probation.

Had an interlock law been in place in Florida in 1988, my son Courtney would be alive today. Our family would have celebrated Courtney's 21st birthday this August. It is still difficult for my family and me to comprehend that he never made it to this passage in his life.

Multiple studies on interlocks for both first-time and repeat offenders show decreases in repeat offenses (i.e. recidivism) of up to 90 percent while the interlock is on the vehicle.[1] For example, New Mexico, even before its new, more extensive first offender interlock program, found a decrease in recidivism by over a half among first offenders who installed interlock devices.[2]

<http://www.tirf.ca/whatNew/newsItemPDFs/Bob—Voas.pdf >

Last year, Arizona, Illinois, and Louisiana joined New Mexico in passing legislation to require ignition interlocks on all first time DUI offender's vehicles. These states mandate interlocks for those convicted at .08 BAC and higher. New Mexico, who has had the law the longest, is seeing substantial reductions in drunk driving crashes and fatalities. MADD applauds the efforts of these states and will continue to work in State legislatures across the country to pass similar bills. This is our highest legislative priority.

MADD supports substantial incentive grants for states that pass legislation requiring interlocks on all first time offenders with a BAC of at least .08. We feel this is the best way to persuade more states to require ignition interlocks to keep convicted drunk drivers from continuing to endanger the public. We do not support hard or soft sanctions on states for first offense interlocks at .08 for two reasons. Many states are actively considering this important measure already, and to be effectively implemented, the State must be sincerely committed to substantial changes in its judicial and driver licensing systems. These changes will initially have a significant price tag. The good news for tax payers is that the drunk driver must pay for the interlock.

MADD also supports the consideration of soft sanctions for states that do not have interlock laws for drivers convicted with a BAC of .15 and above and all repeat offenders. We do not support hard sanctions for states on this measure because major progress is being made.

MADD will continue to support hard sanctions for states on laws where the scientific value is overwhelming, the public support is strong, and the need for national

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[1]i Willis, C., Lybrand, S., & Bellamy, N. "Alcohol Ignition Interlock Programs for Reducing Drunk Driving Recidivism." Cochran Data base of Systematic Reviews (2005).

[2]Voas, Robert, Paul Marques, and Richard Roth. "Evidence that Interlocks Are Effective with First Offenders.: 6th Annual Ignition Interlock Symposium, 2005.

uniformity is demonstrated. The 21 drinking age, the national .08 BAC standard, and zero tolerance laws for underage drinkers are excellent examples.

MADD also respectfully asks Congress to consider supporting increased funding for the Governors Highway Safety Program and law enforcement in the next highway reauthorization bill in order to ensure sufficient resources for high-visibility enforcement including enforcement of underage drinking laws.

We also would request increased Federal funding to help with the cooperative research initiative between the automotive industry and the Federal Government to support new technologies that may eventually prevent vehicles from being started by drunk drivers. MADD does not support any mandate of this new technology, and we believe it is best pursued on a voluntary, data-driven basis over the next decade.

Mr. Chairman, in closing, there are some who advocate lowering the drinking age back to 18. We know the earlier youth drink, the more likely they are to become alcohol dependent later in life and to drive drunk. In order to prevent this, the 21 drinking age law is pivotal to protecting youth.

There has been some debate about the 21 minimum drinking age in the media. I would like to submit for the record statements from the American Medical Association, the National Transportation Safety Board, and the Insurance Institute for Highway Safety with regard to the science behind this law.

There is no controversy in the science. The science is overwhelming and supports the fact that when the drinking age was lowered deaths and injuries on the roads increased and when it was raised, deaths and injuries decreased. NHTSA estimates the 21 law has saved 25,000 lives since implementation by the states. To repeal it would be disastrous and we hope that you, Mr. Chairman, and all your Senate colleagues will make known your support for current law.

The bipartisan work that has taken place in the Senate and elsewhere has saved lives. Thanks in part to your efforts, 25,000 parents somewhere will never know the tragedy of the call that comes at 2 o'clock AM in the morning and says their child isn't coming home. I know this tragedy first hand, and will make sure that MADD continues to fight so that other parents do not.

MADD believes the way to save lives and to move forward on drunk driving, is through the support of the 21 law, interlock legislation for all convicted drunk drivers, and eventually new technology that will prevent drunk drivers from driving.

Since 1980, together we have made drunk driving socially unacceptable, but still tolerated. With interlocks, drunk driving is no longer tolerated. With advanced technology, it will be impossible. That is the march MADD leads, and we invite the support of the American people.

Thank you again for this opportunity to testify before your subcommittee.

RESPONSES BY GLYNN R. BIRCH, TO ADDITIONAL QUESTIONS FROM SENATOR LAUTENBERG

Question 1. Could you please elaborate on MADD's definition of "hard" versus "soft" sanctions? Could you also explain more fully MADD's position on imposing new mandates on States that could result in loss of Federal highway dollars?

Response. For the purposes of this discussion, MADD views a hard sanction as one where a State fails to comply with a Federal mandate and therefore a portion of the states highway dollars are eventually returned to the general highway trust fund. Therefore, the State would lose this funding. Soft sanctions occur when a State fails to comply with a Federal mandate and a portion of the states construction dollars are required to be spent on some form of safety improvement rather than general transportation construction. In this case, a State does not lose the funding, but the funding is diverted.

At this time, MADD does not support any new hard sanctions. MADD does support soft sanctions for states without laws requiring convicted drunk drivers with a blood alcohol content of .15 and above or repeat offenders to have an alcohol ignition interlock device installed on his/her vehicle. MADD believes that ignition interlock devices are the most effective way to prevent convicted offenders from driving drunk. The offender can still use his/her vehicle; they just cannot drive after drinking.

Question 2. Do you believe it is more effective to work with States with incentives, allowing them to determine what works best rather than dictating one size fits all Federal mandates?

Response. In general, MADD believes it is best to work with states rather than creating Federal mandates. In fact, our current Campaign to Eliminate Drunk Driving is focused on passing legislation in each State which would require an ignition interlock device be installed on the vehicle of all convicted drunk drivers. There currently is no plan to pursue similar legislation in Congress.

MADD also supports substantial Federal incentive grants for states that pass legislation requiring all first time DUI offenders to have an interlock device installed on his/her vehicle.

However, in some cases MADD does support Federal mandates. In the past, excessive influence on policymakers by the alcohol industry, defense attorneys, and other interest groups prevented forward progress on drunk driving legislation. Two cases come to mind where Federal mandates were necessary and have been proven successful. The fiscal year transportation appropriations bill effectively created a national .08 blood alcohol standard. The National Minimum Drinking Age Act of 1984 created a 21 minimum drinking age. Both of these Federal mandates have saved lives and without these laws, it is doubtful that all 50 states would have acted to pass State legislation on these issues.

Question 3. In your statement you State that MADD Supports voluntary exploration of advanced vehicle technologies through the establishment of a Blue Ribbon panel of international safety experts to assess the feasibility of a range of technologies that would prevent drunk driving.

Does this mean that once the technology has been developed, MADD would support putting interlock devices on all cars as they roll off the production line?

Response. As you may know, the automotive industry working through the Alliance of Automobile Manufacturers, the National Highway Traffic Safety Administration, the insurance industry, and MADD have formed a Blue Ribbon Panel to support the voluntary development of advanced technology that would prohibit a driver with a blood alcohol content of .08 and above from starting his/her vehicle. Such technology must be six-sigma accurate (meaning a virtual no fail rate), be completely passive to the driver, and not hassle those who are unimpaired. It must also be desired by the public.

There is a major difference between current interlock technology and the advanced technology being sought by the Blue Ribbon Panel in that current technology is not passive. Today, a DUI offender sentenced to an interlock device must blow into the device before starting his/her vehicle. In contrast, the advanced technology would automatically detect whether the driver is over the illegal alcohol limit through no additional action by the driver.

MADD does support having such advanced technology in every car in the United States, but it does not support a Federal mandate to have such technology installed. Again, this technology must be a safety feature, much like an airbag, electronic stability control, or anti-lock brakes, which the public wants.

Senator BOXER. Thank you, sir.

I want to thank this panel very much, very direct and I think very thoughtful points.

Judge Fields, do you have any idea how many drunk driving convictions in your county are avoided due to plea agreements and reduced charges?

Judge FIELDS. With respect to reduced charges, I can't give you a specific number. However, the policy in Harris County is to avoid reducing charges to anything that is not alcohol-related. Obviously, as you know, Senator Boxer, in most courts——

Senator BOXER. Well, what if it is alcohol-related? You said to anything that is not alcohol-related.

Judge FIELDS. We don't have right now a lesser not-alcohol-related reducible option.

Senator BOXER. What about plea agreements? Do you know how many drunk driving convictions in your country are avoided due to plea agreements?

Judge FIELDS. I can't give you a specific number. I can say that studies show that the majority of cases in criminal courts are resolved by the plea bargaining process, which is why judges must be educated as to what the effects of a plea bargain will be.

Senator BOXER. Because I am not a lawyer, I am married to a lawyer. My father was a lawyer and my son is a lawyer. So I have a little bit by osmosis, but explain to me if there is a plea agreement and there is no trial and there is no conviction, would we see

that drunk driver, would that situation show up in the public record anywhere if it is a plea agreement?

Judge FIELDS. Yes, ma'am.

Senator BOXER. OK. So you can still know that somebody reached an agreement on a drunk driver arrest?

Judge FIELDS. Yes, ma'am.

Senator BOXER. OK. Now, you talk about the importance of educating judges. I think you said that you don't think one size fits all because each case is different, and in order to impact the individual the judge has to really get into what the circumstances are. Do you think we could do a little more here? I mean, what do you do in the State? Do you have training on dealing with drunk drivers in your State? Is there a training program that judges go through?

Judge FIELDS. There is more of an emphasis on training now that this has become such a national issue. That is a great thing. In fact, the program that I work with with the Century Council and the National Association of State Judicial Educators has gone out to a number of States, and as a result in Senator Vitter's State of Louisiana, something called a no refusal year was implemented in I believe the Ninth District after we talked about a program that I participated in in Harris County where I stayed up all night and reviewed warrants all night for everyone who the Houston Police Department and other departments that took them to central processing arrested for drunk driving if the probable cause existed and they refused to take a breath test, well, we took the blood.

That program has started in Louisiana as a result of the education on that effort. There are laws on the books that can adequately deal with the issue. The question is, and the concern is sometimes just educating judges on how to best use them.

Senator BOXER. Yes. Well, I just feel in your testimony, I am troubled by it just a little. You know, to me it is clear.

Judge FIELDS. Yes, ma'am.

Senator BOXER. You want to drink, you want to kill yourself, I am really sorry for you. Don't get in a vehicle. And so I think when you sort of say, well, we have to see the person and the situation, I just think there can be no deviation from that point. You get in a vehicle. You are drunk. You have to go to jail. You have to pay a price. I think it has to be clear.

So I just want to make sure that you are not, when you say we have to get—because not all these folks are addicted to alcohol. A lot of the young ones are at a party. They don't get it. So I think if we are sort of a little bit soft, if you will, on the notion that, well, maybe there is a reason and we have to understand it. There are certain things I find, you know, raising a family and whatever, that there is right and there is wrong. You shouldn't drink because I love you and its hurts you and you can't handle it, and all that is important. But dare you get in a vehicle, you are going to pay a price forever.

I just wonder if I am misunderstanding what you are saying, let me know please.

Judge FIELDS. If I come off as soft, please ask any of the defendants in my court and they will tell you otherwise.

Senator BOXER. OK. Good.

Judge FIELDS. What I am saying is, what we want to prevent is that second DWI and that third DWI and that fourth DWI. You are absolutely right, Senator Boxer. We can throw those folks in jail and we can throw away the key for a very short period of time.

But ultimately, what we really want to do is change the thinking, change the behavior that gets them behind the wheel of that car intoxicated in the first place. The way that we do that is imposing a system, a menu of sanctions that allows a judge to stop the drinking behavior for those who just cannot drink, and certainly alters the decision to drink and then drive for those who may be able to handle consuming alcohol, but just made a poor decision. But you have to have an arsenal at your disposal in order to do that effectively.

Senator BOXER. Well, I think that is good advice for us.

Did you want to add to that, Mr. Birch?

Mr. BIRCH. Yes. New Mexico had an example that others States are following. Senator Vitter mentioned earlier about where the problem lies with the underage and also that hardcore drinker. He is absolutely right, but there is also that third party, because when you take a look at the hardcore driver, it is about one third of the problem. Two thirds are first time offenders.

This is why it is so important to have that device to help, to make sure that we don't get to that second or third offense. The alcohol ignition interlock on the first time offender, because if you look at that snapshot of the first time, it is very close in drinking habits to that two time offender. So let's catch it while we can early, so we don't have that repeat offender like the one that killed my son with three previous convictions.

Senator BOXER. Right. What I am going to do is extend my time when I am done, 10 minutes in all. And I will give Senator Vitter 10 minutes because that would finish my questions.

I want to talk about that device because that is a tremendous help. I want to understand what we can do in the highway bill to encourage that device going into these automobiles of the first offenders. Frankly, and maybe I am way out here on this, if a device was in every car, what harm does it do? But I don't know enough about the technology. Is it hard to use it? Is it expensive to put it in? What burden would it put on an ordinary driver? I am just curious about it.

Do you have someone there who understands it? Do you understand it, Mr. Wheeler? Mr. Wheeler seems to know, but if you don't think he answers it right, let me know. So talk to me about that.

Mr. WHEELER. Madam Chair, in New Mexico we convened a group to look at a lot of things. We brought people from Japan. We brought people from Saab in Sweden to show us third and fourth generation technology, a steering wheel wrap that uses galvanic skin responses like a lie detector to be able to measure that.

The device is simple. One of the members of the first panel had it up here on the chair. You blow into it. It measures the alcohol in your breath. It is connected to the motor vehicle. There is a cost associated with it. In New Mexico, we have an ignition interlock fund for people.

Senator BOXER. How much is it per car?

Mr. WHEELER. About $1,000 or so to install. We also have a program in New Mexico where people can voluntarily do it, and we have had parents doing that for teen drivers and for other people. We have had people step forward and say, I want to do it; I have a problem and I want to do that before I get caught or before I kill someone.

Senator BOXER. I guess that price will go down with time.

Mr. WHEELER. It already is.

Senator BOXER. Mr. Birch and then your cohort there. I don't know your name. What is your name, sir?

Mr. HURLEY. I am Chuck Hurley. I am honored to be the CEO of MADD.

Senator BOXER. Wonderful. Please join us at the table. Yes, if Senator Vitter has no objection. Is that all right?

Senator VITTER. Sure.

Senator BOXER. OK.

Mr. BIRCH. I also want to mention the cost is down, anywhere from $100 to $150 that we found.

Senator BOXER. Really?

Mr. BIRCH. Yes. Again, if you take a look at last year, we had about 1.5 million arrests and only about 100,000 interlocks placed in vehicles. We can get that cost down, first of all, when we get the device on the vehicle, it is 90 percent effective when it is on the vehicle, so it does work. Once we get them on there, the costs generally will go down as well.

Senator BOXER. Yes.

Sir?

Mr. HURLEY. Madam Chair, Chuck Hurley, CEO of MADD.

There are three opportunities in the highway bill that we would like you to consider. The first is to have a major incentive grant that would get other States to follow the lead of New Mexico. There are now four States, and Louisiana, Senator Vitter, is one of those four States that has just done that. The science is overwhelming, up to 90 percent effective in reducing recidivism. And yet it does require States to revamp their licensing and judicial systems so an incentive program will work.

Senator BOXER. This would say if you have a program that on the first conviction there has to be this device installed on the car.

Mr. HURLEY. Exactly. As Glynn said, 27 years after everybody knows what drunk driving does, to drive drunk over .08 we believe that person needs an interlock. It should stay on until they prove they have gotten the help they need.

Senator BOXER. And how many States have done this?

Mr. HURLEY. New Mexico was the first. Three States enacted last year, Louisiana, Arizona and Illinois.

Senator BOXER. OK.

Mr. HURLEY. And we are very hopeful about your State.

Senator BOXER. Well, they had better shape up.

Mr. HURLEY. We have a bill with bipartisan sponsorship in the California Highway Patrol who are terrific.

Senator BOXER. Good.

Mr. HURLEY. The second opportunity really is to increase the funding for enforcement with the Governors Highway Safety Association, in the 402 program, perhaps a substantial vertical grant

for enforcement because the 402 program is suffering from that Washington disease of hardening of the categories. They need to have the ability to plan and enforcement should be the first priority.

The third and perhaps most important point, Madam Chair and Ranking Member Vitter, is the opportunity for technology 10 years out. The automobile industry, working with the U.S. Department of Transportation and MADD and the insurance industry and others, believe they can make new cars in about 10 years that won't be operable by drunk drivers at .08 and above. Some of it is transdermal, some of it is near-infrared, some of it is ocular, some of it is algorithms. Cars can park themselves these days.

The technology can be there, but MADD's most important job will be to build the public support to allow that to happen. We don't seek a mandate for that. We think it has to be done in a voluntary data-driven way, and the opportunity in the highway bill, the U.S. Department of Transportation has a cooperative research agreement with the automobile industry, and we want to make sure that is adequately funded.

Senator BOXER. Thank you.

Judge FIELDS. Senator Boxer.

Senator BOXER. Yes.

Judge FIELDS. May I add something? Interlock devices are an invaluable tool for judges. It goes back to what I was saying earlier about the right hand knowing what the left is doing. Say, for instance, I put an interlock device on a person's car. Once their case is disposed of, a final conviction takes place, I am obligated to remove that device from their car.

So what that essentially does, while it is a great thing to have that interlock device on their car, it forces people into those quick plea bargains that you are talking about, so that they can get the device removed.

Now, maybe their license is suspended, but they will continue to drive with a suspended license and no interlock device. That is why it is important that we educate judges who it is that we are seeing. Does this person in front of us look like a hardcore drunk driver, a potential repeat offender, someone that we need to take extra steps in making sure that they don't repeat or recidivate.

Senator BOXER. So your State law says you have to remove that interlock device once a certain period of time goes by?

Judge FIELDS. Yes, ma'am.

Senator BOXER. OK. So wouldn't that be fixed if the State law was changed?

Mr. HURLEY. In fact, Illinois, Madam Chair and Canada, and perhaps also in Louisiana, have what is called compliance-based removal; that the interlock should go on a first offense and if they violate or tamper with the device, the clock resets. In other words, it should only come off when they have a substantial period of compliance, which would mean they have gotten the help they need.

Senator BOXER. Senator.

Senator VITTER. I have the same question as the Chair. Presumably, that problem with the interlock device that you are describing in Texas can be easily fixed with State legislation.

Mr. HURLEY. It can be easily fixed if the State legislature in Texas would like to, and thus far Texas has one of the worst drunk driving records in the United States.

Senator VITTER. If Texas passes a State law similar to what we are talking about, that limitation of use of interlock device goes away. Correct?

Judge FIELDS. Possibly.

Senator VITTER. Well, not possibly, certainly. There is nothing in natural law of the U.S. Constitution that says you can't use these interlock devices for a protracted period of time, as was described by the other witness, right? It is a function of State law.

Judge FIELDS. I think that State law can help, but unless you treat the offender and stop the drunk driving behavior, there are many occasions where I order interlocks and the interlock restriction is on the license and the interlock restriction is placed on a car, and they drive another car. What we have to do is get these folks into programs that stop the behavior that leads to needing to blow into the device in the first place.

Absolutely use the devices. Absolutely.

Senator VITTER. I understand that if they can use another car, that is a problem. I mean, that is a problem in any State no matter what the State law is. But you agree this issue that you identified of having to take it off upon final adjudication, that specific issue which you identified just goes away if you have the right State law.

Judge FIELDS. It can go away, but what you would then not have if you just imposed a law that said you have to keep the interlock device on forever——

Senator VITTER. Not forever, for some significant period of time until a person's behavior over that significant period of time is proven out to be responsible.

Judge FIELDS. Until they modify their behavior, and that is why you would have to give judges the ability, post-conviction, to move them into treatment somehow, because that is how you modify the behavior.

Senator VITTER. Well, yes. I think that ability exists in every State now. It is a question of funding and other opportunities.

Judge FIELDS. Precisely.

Mr. HURLEY. Senator, one of the tougher problems you have just identified, Texas law mandates that interlocks shall be imposed upon second conviction, and yet as the Judge I think agrees, only about 14 percent or 25 percent of the judges in Texas comply with that law. Even when the States pass good laws, there is an issue of judges ignoring that without penalty.

We agree, judicial education is a very key component, but we need to really work on when a law is passed that judges should respect that law.

Judge FIELDS. The judges in Harris County follow that law, and while I won't agree with you, I won't disagree with you because I don't have the stats and I am under oath. So what I will say is that greater education efforts will increase the likelihood that judges will comply with whatever laws there are.

Senator VITTER. Judge, do you disagree with State law that would mandate this as it now does in my State for first time offenders?

Judge FIELDS. The imposition of interlock devices on all first time offenders?

Senator VITTER. Correct.

Judge FIELDS. I have never looked at the issue so I can't say that I agree or disagree with it. I would have to see how your State implements it.

Senator VITTER. It implements it like I just said.

[Laughter.]

Senator VITTER. I have to be honest. I share some of the uncomfortableness with your testimony. Some of this stuff is not that complicated, in my mind, and I think it is pretty darn justified to have that device for any first time offender. I guess I am asking if you agree or disagree with that.

Judge FIELDS. I think that interlock devices are very helpful. I don't know, without looking at the practical effects of how it would work out, I can't say that I can say yes absolutely this will work, without knowing more about how the law would be drafted. And that is part of why it is so important to involve judges in the process because when you are sitting in that chair, yes, I see how the law is written, but I am going to be dealing with a very crafty lawyer who is going to do everything he can to work around it. So without seeing the law, I don't want to speak on it out of ignorance.

Senator VITTER. Well, Mr. Wheeler, maybe you can give us insight into practical impact. You all have had a, or you project a 20 percent overall reduction. How significant in that reduction has been interlock devices? Can you tell yet?

Mr. WHEELER. Madam Chair, Senator, I am not sure we can tell yet. We think it has had an impact. We think a number of these programs have. There are problems with ignition interlock. One of the problems we have seen is in several of our counties we have a high percentage of people who say, and we have checked, and they don't have a motor vehicle registered to them. We know they drive.

So it increases our need for enforcement, which was of course one of the MADD priorities and one of the priorities we would ask for in the transportation bill, Madam Chair, is an increased enforcement effort because the Judge is perfectly correct.

OK, I sentence you to ignition interlock, but if there isn't follow up and if there isn't an absolute continuous monitoring—by the way, the cost that I mentioned is for the year-long first time offender to have that device monitored and you have to go in and you have to have it checked. The installing is pretty cheap, but dealing with the repercussions of it and actually following through takes a lot of judicial resources and it takes a lot of law enforcement resources.

So one of the problems we have seen is people say, I don't have a car. We check. They don't have a car. We know they drive. They live in rural New Mexico. You can't get anywhere without driving and there is no public transportation.

So it increases our need for follow up services. It increases our need—in New Mexico law, there is treatment mandated. But some of those treatment opportunities are not available in rural New Mexico. I suggest they are probably not available in rural Louisiana or rural California either.

So those are issues that confront us. Ignition interlock is certainly not a panacea, but it is something that we have seen that has been an effective tool in the arsenal, as the Judge mentioned, and it is something that we are continuing.

We were very excited to see some of the third and fourth generation technology regarding interlock, the steering wheel wraps and some of the other things. They pose some really tremendous opportunities for the future.

Mr. BIRCH. Senator Vitter, again I applaud your efforts. What we had to do is, as I mentioned before, we are going to have to do something different if we expect to lower the plateau of deaths that have been there for a number of years. The success in New Mexico has paved the way and your State is one of the States that brought on the change.

Yes, that language needed to be massaged. Instead of it coming off at a given time, let's allow that offender—it is win-win situation for the offender and the public. Let him earn the right to get that device off. And if he re-offends, it stays on. But we have to do something because we are literally talking about lives, and this is the leadership that we need from the Committee. So again, I applaud what your State has done. We can do it in every State.

Senator VITTER. Thank you. I appreciate that.

I wanted to ask about the cost. That total package cost you said was about $1,000 now?

Mr. WHEELER. Madam Chair, Senator, that is what I recall.

Senator VITTER. I am just curious. Of that, what is the cost of the device and installing the device?

Mr. HURLEY. If I could, the installation fee is about $150 perhaps, and it somewhere between $60 and $70 a month to maintain it. The good news is that is all paid for by the offender, not the taxpayer. It is less than the cost of a drink a day, $2 to $3 a day. We think that it is an excellent system.

Some of the research that has been done in New Mexico points out that interlocks are the key difference in the 20 percent decline, the work done by Dick Roth and others. So we are very focused on what Louisiana is doing. We hope California will follow, and certainly what Illinois and Arizona are doing as well.

Senator VITTER. Is there any sense of how that price will come down with greater use of it, No. 1? And also, this 10 year project, building into autos, is there any guesstimate on the cost of that per vehicle?

Mr. HURLEY. There are really two different technologies. The current technology is the fuel cell breathalyzer technology. Again, the costs are fairly stable. It may come down some, but $125 to install and $60 to $70 a month we think are reasonable prices to protect the public. Our lead volunteer in South Dakota lives down the road from what we believe to be the national record, a guy that has been arrested for the 34th time. At some point, enough is enough. We have to protect the public, and interlocks do that.

The advanced technology is really extraordinary in that it offers the opportunity if it pans out both in technology and in public acceptance, of literally not allowing cars to start .08 and above. It won't stop drinking, never MADD's goal. It won't stop impaired driving that begins before .08. But .08 and above can be eliminated

through that technology. It would make drunk driving the public health equivalent of polio.

Senator VITTER. Is there any preliminary guesstimate about that cost per vehicle?

Mr. HURLEY. Early estimates are more of what it would have to meet, and it would have to be about $200 or less, probably. Sensor technology breakthroughs may allow that. It obviously cannot hassle sober drivers; 40 percent of the public doesn't drink, and the other 40 percent is responsible. It is really only 20 percent that needs to be affected. It has to be absolutely six sigma reliable and effective.

There is a blue ribbon panel on advanced alcohol detection technology that MADD is proud to serve on, with the U.S. Department of Transportation, with the Alliance for Automobile Insurers, who really need to be thanked for this. Drunk driving isn't their problem. They don't sell alcohol at dealerships. They are stepping up and really all over the world, in Japan, in Europe and in North America, all the auto companies are looking at this advanced technology, and we thank them for that.

Senator VITTER. Well, great. Thank you all.

Thank you, Madam Chair.

Just as a closing comment, it sort of goes back to one of my earlier comments, a lot of these things are complicated. A lot of them have a lot of factors, but for God's sake, let's not allow that to just lull us into paralysis, like there is nothing we can do, or like the fact that this interlock device can have a major impact. No one is pretending that it is the panacea, but anything that can have a major impact is worth doing.

Senator BOXER. I want to thank the panel very, very much.

I want to thank Senator Vitter as well.

I am going to speak with my Governor, write to my Governor about moving forward on this. It just makes so much sense, and I want to congratulate New Mexico, Louisiana, and the other States that are really taking the lead.

You know, it is very important, it seems to me, to have a vision of a better future for our children and our grandchildren. That is what propels me to stay in this work, and I am sure others as well. There was once a bumper sticker during the Vietnam War that just said, Imagine Peace, because it gets to a point where you can't even imagine what an absence of war is after so many years.

And so, you know, you want to imagine what it would be like if we could solve this problem and if you could kind of flash back to your story, Mr. Birch, and what it would have meant to you.

So I applaud Mothers Against Drunk Driving and the other organizations, but particularly Mothers Against Drunk Driving for what you do because, as Senator Vitter says, you can get into a mind set of, gee, we have done all we can, we have made the progress, but we are kind of stumped.

But I think the key here for the long range is this future where when everyone gets in a car, there is a simple way that it simply won't start if your blood alcohol is over a certain level. So therefore when we do our bill, Senator, I hope we will do a little bit of a Manhattan Project for this. I mean, my goodness, the things that we can do in this great Country. We should be able to figure that

out and get it to a point where it is not a prohibitive cost so that it goes into the automobile just as we now couldn't imagine automobiles without airbags and seatbelts.

Because I think, Judge Fields, I compliment you on your work. You are obviously committed, but you harp about treating the addiction, treating the addiction, and that is important and we have been trying to treat the addictions for years and years and years. I make a difference, I mean, no one could be stronger on stopping addiction and being fair to people and giving them a chance and giving them treatment, than I am. You go back to everything I believe in, I believe in that.

But I see a difference between that and someone with an addiction, with a problem, or just because they don't get it, or are too stupid to understand what it means to get drunk at a party, getting behind a wheel. It is a different thing from the addiction.

I would venture to say a lot of these people who get behind the wheel don't have an addiction. They just, on the weekend they go to a party. They could take it or leave it, but they are going to get in a car.

So I think we need to, because we have always tried to stop the addiction, and we should never stop trying ever, because we are going to make a difference in some lives, and it is important. But to me, I am looking at the innocents, the kids running into the truck to buy an ice cream. I think to get to that, we just need a whole other mind set.

We will work on the addiction over here, but we will stop any human being who can't drive from getting in that automobile.

So as we write the highway bill, and it is going to be really an exciting time when we get to that, I will take it to heart what you have said, and I hope we can work across party lines here and get this done for you.

Again, I want to thank Senator Vitter for coming and being so positive in this hearing. And I want to thank the panelists. Thank you very much.

We stand adjourned.

[Whereupon, at 11:50 a.m. the subcommittee was adjourned.]

STATEMENT OF HON. JAMES M. INHOFE, U.S. SENATOR FROM THE STATE OF OKLAHOMA

Thank you Mr. Chairman. As a member of both Environment and Public Works and Commerce Committees, the Chair is well aware of the jurisdictional distinction between the two Committees when it comes to safety issues. EPW does the "hard side" or bricks and mortar and Commerce does the "soft side" or behavioral side. Thus, the issue of reducing drunk driving falls largely in the Commerce Committee's purview as they have sole jurisdiction of the National Highway Traffic Safety Administration (NHTSA) and drunk driving incentive grant program. Nonetheless, I welcome a discussion of the effectiveness of the nation's drunk driving programs in preparation for reauthorization of SAFETEA.

More often than not, when discussing transportation issues we focus on problems with funding, congestion and the physical State of our infrastructure; but equally important is safety while driving on our nation's roads. As Chairman of this Committee during the development of SAFETEA, I made safety a priority. A hallmark of SAFETEA is a comprehensive and unprecedented new core program focusing solely on addressing safety problem areas.

States must develop comprehensive safety plans that address their biggest safety hot spots. The Highway Safety Improvement Program, or H-Sip, targets funding to the greatest problem areas. As we get closer to reauthorization, I hope that as the Subcommittee Chair on safety issues, you will be scheduling oversight hearings on

H-Sip so we can see how well the new safety core program is working. In fact, I have GAO examining that program as we speak.

While I applaud and support efforts to get drunk drivers off the roads, I have opposed and will continue to oppose efforts to achieve this through Federal mandates or sanctions. As a former Mayor and State Legislator, I know that Washington does not have all the answers and certainly does not always have the right ones. States know best what is appropriate for them. The closer government is to the people the better the results.

SAFETEA provided $500 million in grants to encourage States to adopt and implement effective programs to reduce drunk driving. States are actively taking advantage of the incentives Congress has put in place. I am sure my colleagues would agree that it is far more effective to work with states and allow them to determine what works best in their case rather than dictating a one size fits all legislative prescription.

TEA–21 directed States to implement a 1 year hard suspension for repeat offenders, using the threat of reduced Federal highway funds if they failed to comply. This one size fits all Federal prescription had the effect of derailing efforts to develop interlock technologies, and handicapped State's ability to put in place their own effective drunk driving laws. This well intentioned Federal mandate set States up for failure, and denied judges the flexibility needed to most effectively sentence repeat offenders on a case by case basis.

Prior to TEA–21, many States were implementing their own repeat offender sentencing guidelines, using interlock technologies and other initiatives tailored to their needs, including my own State of Oklahoma. But all efforts stopped after the TEA21 mandate because States did not want to risk losing out on Federal dollars for not following the new Federal drunk driving mandate.

A SAFETEA technical corrections bill that would allow states more flexibility with their drunk driving laws by amending the existing repeat offender provision was approved twice by both this Committee and the full House. While the final bill awaits further Senate action, I think the message is clear, both Chambers recognize that leaving this decision to States is optimal. It is also important to note that this provision changes a previous mandate that we now recognize as being ineffective. I see this as proof of my point that Washington does not know best and should not impose its will on states.

The loss of life, especially due to a drunk driver, is not only tragic but unacceptable. However, to continue the practice of holding State transportation funds hostage while we force them to adopt federally imposed, one-size fits all solutions to combat drunk driving, should not be the answer. Each State has the right, and frankly the responsibility, to implement appropriate laws that meet the needs if its citizens. Mr. Chairman, while you and I differ on how to achieve the desired result, we both agree combating drunk driving must be a national priority. I look forward to working with you on this and other issues as we begin to think about reauthorization of SAFETEA.

I look forward to the testimony and of The Honorable Michael R. Fields, a criminal court judge who deals with DUI cases every day and can provide a unique insight on this issue from a local level.

I want to welcome all our witnesses today and thank them for taking time out of their schedules to share with us their ideas on how to most effectively address drunk driving at the Federal level.

Statement of the Governors Highway Safety Association (GHSA)
for the
Oversight Hearing on the Effectiveness of
Federal Drunk Driving Programs
Transportation Safety, Infrastructure Security and
Water Quality Subcommittee
Senate Environment and Public Works Committee
October 25, 2007

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I. Introduction

The Governors Highway Safety Association (GHSA) is a nonprofit association that represents state highway safety offices (SHSO). Its members are appointed by their governors to administer federal behavioral highway safety grant programs, including the federal impaired driving incentive grant program and the two impaired driving penalty transfer programs.

GHSA considers itself the voice of states on highway safety issues. As such, the Association represents states on a range of behavioral issues such as failure to use proper occupant protection, speeding and impaired driving, among others. Our members use federal highway safety grant funds for a wide variety of impaired driving purposes including enforcement, training and equipment for enforcement personnel, judicial training, public education campaigns (including those that use paid media), and DUI information system improvements.

II. Background

This country has made considerable progress in impaired driving in the last thirty years. In 1990, according to statistics of the National Highway Traffic Safety Administration (NHTSA), 51% of total crashes were alcohol-related. By 2005, 39% of crashes were alcohol-related. A part of the success must be attributed to simple increases in the number of registered vehicles, licensed drivers and vehicle miles of travel. As those increased, the percentage of alcohol-related crashes consequently declined. Another part of the success, however, can be attributed to federal and state efforts to address impaired driving. These have successfully maintained the progress that was made in the last thirty years without allowing further backsliding. Without the federal funding, the level of impaired driving would likely be much worse.

However, in terms of total numbers, relatively little progress has been made over the last decade. In 1995, 17,308 persons were killed in alcohol-related crashes. By 2005, that number had fallen by only 423 persons to 16, 886 – a 2.4% drop. Federal and state impaired driving policies and programs have not enabled states and communities to make the "great leap forward" in impaired driving that will result in significant reductions in alcohol-related crashes, fatalities and injuries.

Unlike occupant protection issues, impaired driving is a highly complex issue for which there are no simple solutions. Impaired driving data can be analyzed in a number of different ways, each of which will suggest different countermeasures. One approach is to look at crash records and determine who is over-involved in impaired driving crashes. Typically, crashes involve underage drinkers, first time offenders and hard core drunk drivers (including high BAC first-time offenders). Another way is to analyze the data by BAC level. In that approach, drivers aged 25-34 years old appear to be the biggest part of the problem. Another strategy is to examine when and where the impaired driving crashes occur. Each approach suggests different parts of the impaired driving puzzle in a state, and each requires specific policies, programs and most importantly, funding. A general deterrence program aimed at first time offenders, for example, cannot be the sole focus of a state's impaired driving efforts without having a detrimental impact on programs that reach hard core drunk drivers and the other subgroups .

Additionally, impaired driving is part of a larger societal problem that reflects our ambivalence about alcohol use. State highway safety offices, advocacy organizations, public health agencies and others encourage "no use" of alcohol when driving, yet our society encourages alcohol consumption through the media and our laws permit a certain legal amount of alcohol when driving. Further, the impaired driving problem cannot easily be separated from the larger societal problems of alcohol abuse and alcoholism. There is a complexity of federal, state and local agencies that deal with these problems, and the highway safety community is struggling to determine its role.

many jurisdictions. More federal resources are needed to recruit, train and retain law enforcement officers to conduct sobriety checkpoints or saturation patrols.

Strong laws and consistent enforcement are two key components of a good state impaired driving program. However, these components have less impact if impaired driving offenders are not properly adjudicated. Judges are difficult to reach, and few judicial education materials are available for them. The Century Council, a 2007 winner of a GHSA achievement award, has developed excellent materials for judges on hard core drunk drivers and has trained more than 2,000 judges across the country. The reach of programs like this need to be expanded, distance-based training needs to be developed, and more federal and state resources need to be committed to judicial education.

DUI courts are a very promising approach for handling hard core drunk drivers. These courts go beyond punishment and address the offender's abuse of alcohol. Typically in a DUI court, there is prompt intake and assessment, court-ordered individualized sanctions for offenders, frequent drug and alcohol testing, treatment and aftercare services and frequent monitoring and ongoing judicial interaction with the offender. Prosecutors, defense attorneys, judges, probation, law enforcement and treatment professionals usually function as a team to systematically change behavior. The individualized sanctions are structured to maximize the probability of rehabilitation and minimize the likelihood of recidivism. These courts can involve specialized court calendars or dockets for individuals, juveniles or families rather, or hybrid drug/DUI courts than specifically designated courts. Due to the Department of Justice grant programs, most states have at least one DUI court. GHSA strongly supports DUI courts and urges additional federal funding to enable further expansion in the states. GHSA also recommends that states be allowed to use their Section 410 funding for DUI courts, an unallowable expense under the current 410 program.

Technology is one component that until recently, has received little attention. GHSA believes, as do Mothers Against Drunk Driving (MADD) and others, that technology has the potential for enabling states to make a huge difference in impaired driving. Some proven technology, such as ignition interlocks and continuous alcohol monitoring systems, are already available. Others, such as expanded uses of transdermal detection devices, are under development. Still others will be developed with the support and encouragement of the public-private blue ribbon panel on advanced impaired driving technology. GHSA eagerly joined MADD's Campaign to Eliminate Drunk Driving because we believe that technology has been a missing link in the fight against drunk driving.

This year, MADD, with the support of GHSA members in the affected states, has successfully encouraged three states (IL, LA, and AZ) to enact legislation requiring first-time offenders to have restricted drivers licenses as long as an ignition interlock is installed on their vehicle. GHSA encourages all states to enact this type of legislation. The Association would strongly oppose, however, federal efforts to sanction states for failure to enact first-time offender interlock legislation even if those sanctions were preceded by a few years of incentives. Only four states currently have such laws (the three previously named and New Mexico). Forty-six states would be subject to the sanctions if enacted.

This issue is an emerging one, and there is little state experience in how such laws will be implemented. Based on the August 22 NHTSA conference on interlocks, there are tremendous implementation barriers to be overcome and a sizeable amount of judicial and prosecutorial education that must occur before there is ubiquitous use of interlocks. A federal sanction could cause a backlash against the interlocks and undermine MADD's efforts on the state legislative front. Rather, GHSA believes that states should be encouraged, only through federal incentives, to support interlock legislation for first-time offenders.

Improvements to state laws, enforcement, adjudication and technology all need to be supported by a solid infrastructure for impaired driving programs at the state and local level. Few states have automated systems for tracking an impaired driving offender (regardless of whether they are

Finding solutions to the nation's impaired driving problem, therefore, will not be easily achieved. Public policy should be crafted that encourages states to further action on impaired driving yet recognizes the complexity of the issue and sets realistic goals for states.

III. Potential Solutions

A. Continue to focus on a comprehensive approach to impaired driving

Programs to reduce impaired driving must be based on a comprehensive approach that touches on all aspects of impaired driving. Anything less will be ineffective.

Such programs should have a prevention component to stop drivers from driving impaired in the first place as well as an intervention component that provides transportation alternative to drivers who are impaired. NHTSA is currently funding the Responsible Hospitality Institute's pilot programs that attempt to change the social environment in which people are entertained by providing alternatives to drinking and reducing the opportunities to drive impaired. These programs show some promise and should be further researched.

Strong laws are a critical aspect of any impaired driving program. Such laws should include .08 blood alcohol concentration (BAC) laws, zero tolerance laws for underage drinking and driving, administrative license revocation laws, repeat offender laws, and laws addressing high BAC first-time offenders. Nearly all states have enacted nearly all of these laws.

GHSA does not support new sanctions on states that fail to enact specific impaired driving laws. States are already faced with seven safety-related sanctions (zero tolerance BAC, .08 BAC, open container, repeat offender, age 21, drug offenders, and use of seat belts). We do not believe that a sanction for states that don't have laws penalizing high BAC first time offenders is necessary since states have aggressively enacted such laws over the last few years. 40 states have some form of high BAC laws. Sixteen have stronger penalties for first time offenders at .15 BAC and above. Another six states have laws for offenders .16 BAC and above, and another four have them for offenders at .17 BAC and above. Further, penalizing states for failure to enact high BAC laws may make it more difficult for states to enact interlock laws for first-time offenders. If state legislatures are forced to enact high BAC laws for first time offenders, then they may be unwilling to also enact interlock legislation for first time offenders, regardless of the offenders' blood alcohol concentration.

In the future, states should be encouraged through incentives to strengthen (e.g. criminalize) the penalties for test refusal and to require a higher level of BAC testing for dead and surviving drivers. Enhanced test refusal laws would address a growing problem in many states. Hard core drunk drivers know how to beat the "system" by refusing the BAC test and receiving the same penalties as those that test negatively. If this loophole were closed, then hard core drunk drivers would be tested more often and would receive more appropriate sanctions. The BAC testing laws would yield better data than is currently available on the nature and extent of the impaired driving problem.

Passage of strong laws, however, is insufficient. Those laws must be strictly enforced. Enforcement has been a focus of state activity over much of the last several years. All states participate in one national DUI mobilization over Labor Day and nearly all participate in an additional mobilization during the December holidays. States also conduct enforcement efforts in between mobilizations. States in the mid-Atlantic region, for example, have joined forces to conduct frequent (e.g. monthly, weekly) sobriety checkpoints at locations throughout the region.

The difficulty is that there are insufficient resources for law enforcement. Most state police and patrols are facing large number of retirements and layoffs caused by state budget cuts. At the local level, law enforcement personnel are being diverted to homeland security and immigration law enforcement duties. It is not unusual for local law enforcement officers to be called up for active duty in Iraq. As a result, traffic enforcement has fallen to the bottom of the priority list in

a first-time or a repeat offender) from point of arrest to final disposition of the offender's case. BAC testing information, which can involve several different agencies, is rarely linked or automated. Many states are beginning to use electronic citation systems, but electronic arrest records are non-existent in most jurisdictions. Judges who require the use of ignition interlocks do not always know if the interlocks have been installed or what effect they have had because there is not feedback information. In the rare event there is feedback information, it is not in electronic form. It is not unusual for offenders to slip through the cracks because information from one state or local agency is not sent to another appropriate state or local agency. Few federal funds are available to states to help them address these problems. The Section 408 program is a small federal program whose focus is primarily on improving a state's crash data system. The program is inadequate to meet that need, let alone meet the need for automating states' impaired driving information systems.

In the next reauthorization, there is a clear need to substantially fund impaired driving programs and to address the needs discussed above. GHSA will be working with NHTSA as well as this Committee and the Senate Commerce Committee over the next several months to help craft an adequately funded and appropriate federal impaired driving program for the next reauthorization.

B. Fix the current penalties

Under the current Section 164 penalty transfer program, states must enact legislation that, among other things, requires a repeat offender's license to be suspended for one year. GHSA strongly believes that the one-year hard suspension requirement actually encourages repeat offenders to drive without a license. Once an offender is out of the license control system, it is difficult to keep track of the offender or to monitor the offender's driving behavior. Further, judges are often reluctant to require the one-year hard suspension because it can affect an offender's ability to reach his/her job or go to treatment. In effect, the one-year hard suspension language may inadvertently make matters worse.

GHSA strongly supports the language in the SAFETEA-LU technical corrections bill, H.R. 1195, that would give states the option of either requiring a one-year hard suspension or a 45-day hard suspension followed by installation of an ignition interlock and limited driving privileges for repeat offenders. We encourage the Senate to enact the technical corrections language as soon as possible.

Another difficulty is that the 154 and 164 penalty programs pose a big administrative problem for the SHSO's because of the way the statutory language has been drafted. Currently, non-compliant states have 3% of their Interstate Maintenance, Surface Transportation Program and National Highway System funding transferred into the 402 program. The state then determines if it would like to spend the transferred funds for impaired driving or Hazard Elimination program purposes. There is no actual transfer of funding if a state chooses to spend the money for Hazard Elimination purposes. Instead, the state highway safety office must subcontract with its state department of transportation (DOT) to use the funding.

Since the Section 164 funds are not actually transferred to the state DOT, the state highway safety office bears the administrative responsibility for the penalty transfer funds. The SHSO must track the expenditures in the federal grant tracking system and ensure that funds are being spent for the purposes authorized. Further, because of the slow spend out rate for Hazard Elimination construction funding, most of the SHSO's have substantial amounts of Section 154 and 164 carryover money. NHTSA strongly encourages states to reduce their carryover funding. However, it is impossible for the SHSO's to reduce their Hazard Elimination 154 and 164 carryover funds since they have no control over that funding. In effect, the SHSO has all the administrative burdens of the Section 154 and 164 funds that are spent for hazard elimination purposes but none of the benefits of that funding.

A simple statutory fix is needed. If a state chooses to use its Section 154 or 164 funding for Hazard Elimination purposes, then the funding should be transferred to the state DOT and that agency should be administratively responsible for the funds.

C. Oppose efforts to weaken underage drinking law

Recently, Parade magazine published a story about the National Minimum Drinking Age (NMDA) law intimating that the drinking age should be lowered to 18. Further, former Middlebury College President John McCardle formed a non-profit association to promote the lowering of the drinking age as well as education and regulation of 18-year old drinking behavior. These developments have put a spotlight on the NDMA and its effectiveness.

According to NHTSA, nearly 25,000 teen traffic deaths – an average of almost 1,000 per year -- have been prevented since the enactment of the NMDA. Since enactment, the number of teen drivers killed in alcohol-related traffic crashes has been cut in half, self-reported alcohol use by high school seniors has dropped by 20% and self-reported binge drinking has declined by an estimated 40%.

The Centers for Disease Control (CDC) reviewed more than 100 studies of the impact of the NMDA and found more than 50 which were considered high quality. In its meta-analysis, CDC found that increasing the drinking age decreases fatalities and crashes by 16% and lowering it increases fatalities and crashes by 10%.

Since enactment of the NMDA, researchers at the National Institutes of Health have made great strides in understanding adolescent brain development. They have found evidence that alcohol consumption negatively impacts adolescent brain as well as nervous system development. One important study showed that more than 40% of individuals who begin drinking before age 13 are classified with alcohol dependence at some time in their lives. The study also found that lifetime alcohol dependence decreases steeply as age at onset of drinking increases. Lowering the drinking age wouldn't solve the problem of underage drinking. It would simply push that drinking down to younger aged children.

The evidence is clear: the NMDA has worked exceedingly well and is one of the strongest policy tools in the state arsenal. Protecting the health of young people – our country's future -- should be of paramount importance, more so than the fact that there are in disparities in public policy affecting young people. Lowering the drinking age would be a gigantic and harmful step backward. GHSA strongly opposes such a move and is proud to be a member of the Support 21 coalition.

Thank you for the opportunity to present the views and ideas of the Governors Highway Safety Association.

Health Effects of Alcohol on Children and Adolescents

Support 21 Coalition
Washington, D.C.
Tuesday, October 9, 2007
10:00 AM

Ronald M. Davis, M.D.
President
American Medical Association

Good morning.

It's an honor to be here on behalf of the American Medical Association to announce our support of this new coalition, and to present information on the health effects of alcohol on children and adolescents.

As physicians, we know all too well the dangers of early alcohol use for children and adolescents. We see the impact of alcohol one patient at a time, one family at a time.

But the collective damage to our children that is caused by alcohol is staggering. The negative consequences of underage drinking cost the United States $62 billion per year in medical costs, lost productivity, and quality-of-life costs due to motor-vehicle crashes, violence, property crime, suicide, burns, drownings, fetal alcohol syndrome, high-risk sex, poisonings, psychoses, and dependency treatment.[1]

Alcohol is a leading contributor to the main cause of death—injury—for people under age 21. About 5,000 deaths related to underage drinking occur annually as a result of motor-vehicle crashes, unintentional injuries from other causes, homicides, and suicides.[2] Researchers estimate that annually, alcohol use is implicated in more than 1,700 alcohol-related injury deaths

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[1] Miller T.R., Levy D.T., Spicer R.S., Taylor D.M., Societal Costs of Underage Drinking. *Journal of Studies on Alcohol and Drugs* 67: 519-528, 2006.

[2] Faden V.B., Goldman M. (Co-Chairs), NIAAA Interdisciplinary Team on Underage Drinking Research. Alcohol development in youth – a multidisciplinary overview: The scope of the problem. *Alcohol Research & Health* 28(3):111-120, 2004/2005.

among college students aged 18 to 24, while in 2001 nearly 600,000 college students were injured because of drinking and 696,000 were assaulted by another drinking college student.[3]

If we can stop alcohol use and abuse from starting early, we can help prevent thousands, even millions of alcohol-related nightmares before they ever begin.

A few years ago, the *Journal of the American Medical Association* published a study on underage drinking and addiction. It showed that youth who regularly consumed alcohol before age 14 were at least three times more likely to develop a diagnosable alcohol dependency than those who delayed alcohol consumption to age 21.[4]

Moreover, the problem of alcohol abuse and dependence continues into the college-age years. In one study, 31% of college students met the criteria for a diagnosis of alcohol abuse and 6% for a diagnosis of alcohol dependence in the past 12 months, and more than two of every five students reported at least one symptom of abuse or dependence.[5]

This is a disturbing finding, considering the young ages at which many people drink today. In one study of young people between the ages of 12 and 13, 13% reported drinking beer, 13% reported drinking wine, and 11% reported drinking hard liquor or spirits.[6] All of these children are at increased risk for alcohol dependency.

The dangers to their health include more than addiction. A growing body of scientific evidence suggests that even modest alcohol consumption in late childhood and adolescence results in brain damage—possibly permanent.

The human brain continues to grow and change throughout adolescence, and those who think young bodies and young brains are resilient to alcohol use are dangerously wrong.

The AMA has compiled and summarized two decades of research on the effects of alcohol use on the maturing brains of young people. Here are just some of the facts detailed in that report.

Young alcohol users are at risk of damaging two key areas of the brain, both of which undergo dramatic changes during adolescence.

The first area is the hippocampus, which manages the learning and memory processes. Childhood drinking has an alarming effect on this key area of the maturing brain. In one study,

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[3] Hingson R., Heeren T., Winter M., and Wechsler H. Magnitude of alcohol-related mortality and morbidity among U.S. college students ages 18-24: changes from 1998 to 2001. *Annual Review of Public Health* 26:259-79, 2005.
[4] Hingson, R., Heeren T., Jamanka, A., and Howland, J. Age of drinking onset and unintentional injury involvement after drinking. *Journal of the American Medical Association* 284 (12): 1527-33, 2000.
[5] Knight, J.R., Wechsler, H., Kuo, M., Seibring, M., Weitzman, E.R., and Schuckit, M.A. Alcohol Abuse and Dependence Among U.S. College Students. *Journal of Studies on Alcohol* 63 (3): 263-270, 2002.
[6] Parents Resource Institute for Drug Education, 2000-2001 PRIDE Survey.

the hippocampuses of teens who abused alcohol were 10% smaller than in teens who did not abuse alcohol. [7]

Another study showed that individuals who used alcohol as adolescents exhibit a reduced ability to learn, when compared to those who refrained from using alcohol until adulthood. Alcohol shrinks memory signals at a more rapid pace in children than in adults, and it reduces memory acquisition. Adolescents who abuse alcohol may remember 10% less of what they have learned when compared to non-drinking adolescents.[8]

The second area most affected by alcohol abuse is the prefrontal area, which undergoes the most change during adolescence. This area plays an important role in the formation of adult personality and behavior. Some call it the "CEO of the body." Alcohol abuse has been shown to cause deterioration in this important area.[9]

Given these effects, is it any wonder that adolescent drinkers score worse than non-users on vocabulary, general information, memory, and memory retrieval tests? Or that they perform worse in school and are more likely to fall behind in their work than their temperate peers? Or that they are at greater risk of social problems, depression, unintentional injuries, suicide, and violence?

Yet as terrible as the threat of alcoholism and even brain damage may be, that's not the only risk taken by children who drink.

All of us are familiar with the danger of untreated high blood pressure. A representative sample of current drinkers aged 12 to 16 showed higher levels of diastolic blood pressure than their non-drinking counterparts.[10]

Adolescents who drink heavily also are at increased risk of developing cirrhosis of the liver in adulthood. A study by University of Pittsburgh researchers found that teenagers (ages 14 to 18) with alcohol-use disorders had elevated liver enzyme levels and more abnormalities in physical exams, especially oral exams. The researchers noted that with continued excessive drinking, the teens may develop permanent liver damage.[11]

Addiction, brain damage, high blood pressure, and liver damage—these are serious health issues—and a frightening number of our nation's children are at risk.

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[7] De Bellis, M.D., et al. Hippocampal Volume in Adolescent-Onset Alcohol Use Disorders. *American Journal of Psychiatry* 157: 737-744, 2000.

[8] Brown, S. A., Tapert, S. F., Granholm, E., et al. Neurocognitive functioning of adolescents: Effects of protracted alcohol use. *Alcoholism: Clinical and Experimental Research* 24 (2): 164-171, 2000.

[9] Crews FT, Braun CJ, Hoplight B, Switzer III RC, Knapp DJ. Binge ethanol consumption causes differential brain damage in young adolescent rats compared with adult rats. Alcohol Clin Exp Res 2000; 24:1712– 23.

[10] Hanna, E.Z., et al. Drinking, smoking and blood pressure: Do their relationship among youth foreshadow what we know among adults? Paper presented at the American Public Health Association Annual Meeting, Chicago, IL. November 1999.

[11] Clark, D. B., Lynch, K.G., Donovan, J. E., and Block, G. D. Health Problems in Adolescents with Alcohol Use Disorders: Self-report, Liver Injury and Physical Examination Findings and Correlates. *Alcoholism: Clinical and Experimental Research* 25 (9): 1350-1359, 2001.

The challenges we face in reducing underage drinking are not easy, and the stakes are very high. But we can and must protect our children and their good health. That's why the AMA is proud to have joined the Support 21 Coalition. Working together we can have a positive impact on the problem of underage drinking, which will vastly improve our children's health.

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October 26, 2007

The Honorable Frank Lautenberg
Chair,
Subcommittee on Transportation Safety,
Infrastructure Security and Water Quality
Committee on Environment
and Public Works
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

As your subcommittee conducts oversight hearing on the effectiveness of federal drunk driving programs, I am writing to provide the perspective of the International Association of Chiefs of Police on this critical subject. As you know, the IACP is world's oldest and largest association of law enforcement executives. Founded in 1893, the IACP has over 22,000 members in 100 countries.

Our national efforts to combat drunk driving have always been a critical issue for state, tribal and local law enforcement agencies. Every 30 minutes impaired drivers kill someone in this country. That means that each day the lives of nearly 50 people are cut short because someone chose to get behind the wheel after drinking or using drugs. This is a crime that is not restricted to one city or one neighborhood.

It is for these reasons that the IACP has so strongly supported the enactment and aggressive enforcement of effective impaired driving policies, which includes:

- Establishment of .08 BAC national standard;
- Establishment and enforcement of repeat impaired driver sanctions;
- Strong open container laws;
- The adoption of zero tolerance enforcement policies, and,
- Establishing and maintaining a national minimum drinking age of 21 years old.

The IACP believes that efforts to weaken any of these provisions, most notably efforts to lower the minimum drinking age to 18, are both misguided and dangerous. Research has consistently shown that while underage drivers between the ages of 16 and 21 account for just 7 percent of all drivers in this nation, they are involved in 15 percent of all alcohol-related fatalities. It is the IACP's firm belief that if these underage drivers were able to purchase alcohol legally then this already unacceptable figure would grow dramatically. Simply put, to modify or repeal the minimum drinking age would be gambling with the lives of our children. As a result, the IACP strongly urges Congress to reject any effort to repeal or weaken current laws regarding impaired driving or the minimum drinking age.

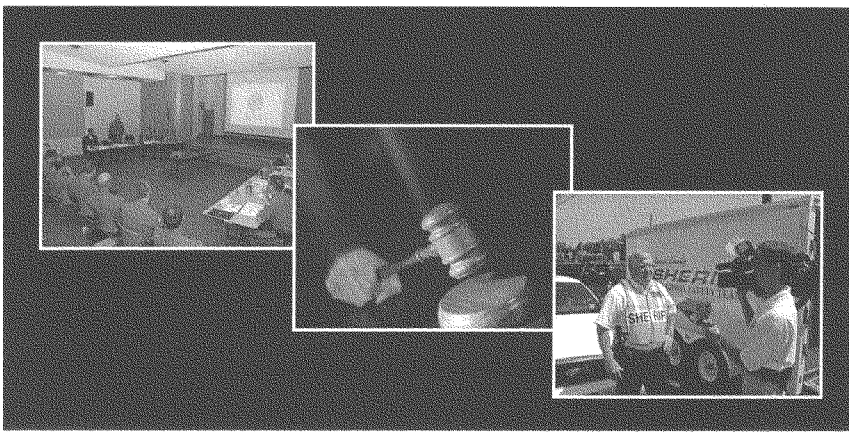
Finally, I would also like to provide the Subcommittee with a copy of IACP's "Impaired Driving Guidebook". Developed by the IACP's Highway Safety Committee, in collaboration with the National Highways Safety Traffic Administration, Mothers Against Drunk Driving, the Governors Highway Safety Association and the National Sheriffs Association, this publication serves as a guide to law enforcement executives on how to most effectively renew their efforts to eliminate impaired driving on our roadways.

Thank you for your attention to this matter. Please do not hesitate to contact the IACP if you have any questions or if we can be of further assistance.

Sincerely,

Ronald Ruecker
President

Impaired Driving Subcommittee



Impaired Driving Guidebook: Three Keys to Renewed Focus and Success

www.nhtsa.gov
NHTSA

MADD
Activism : Victim Services : Education

Governors Highway Safety Association
GHSA
The States' Voice on Highway Safety

DEDICATION

This Guidebook is dedicated to those public safety professionals who tirelessly study the myriad of issues surrounding impaired driving and search for answers to solve the problem of impaired driving that exists today.

However, too often lost in the active search for answers are the unsung heroes of this ongoing battle. It is the state, county, city, and Tribal law enforcement officers who perform the often unrecognized work of removing from our roadways those who would endanger us by driving impaired. It is for their efforts that we offer our undying gratitude and support and dedicate this work.

ACKNOWLEDGMENTS

The Impaired Driving Subcommittee (IDSC) would like to acknowledge the leadership and support of Earl Sweeney, the IACP Highway Safety Committee Chair and Assistant Commissioner of the New Hampshire Department of Safety.

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The IDSC would like to recognize the special efforts of the Washington State Patrol Administrative Services Section for constructing this publication.

The opinions, findings, and conclusions expressed in the publication are those of the Impaired Driving Subcommittee members and not necessarily those of their employing agencies.

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FOREWORD

After seeing impressive reductions in total traffic fatalities and those involving impaired driving in the late 1980s and early 1990s, most states are now making nominal gains, while others are losing ground in their battle to eliminate deaths and injuries caused by impaired drivers.

According to the National Highway Traffic Safety Administration (NHTSA), in the U.S. in 2004, 16,694 people were killed in crashes involving alcohol, representing 39% of the 42,636 people killed in all traffic crashes. Based on early estimates, NHTSA projects a nearly 2% increase in alcohol-related traffic fatalities in 2005. These crashes cost our society over $100 billion annually, including approximately $51 billion in monetary costs and $63 billion in quality-of-life losses.[1] Furthermore, research indicates that alcohol is not the only part of the impaired driving problem. Drugs alone—or in combination with alcohol, both prescription and illicit—are increasingly being found in chemical tests of at-fault drivers in fatal and injury crashes. Law enforcement is only now becoming proficient at detecting the drug-impaired driver and collecting data that reflects the nature and extent of drug impairment in crashes.

In 2005, the International Association of Chiefs of Police (IACP) Highway Safety Committee established the Impaired Driving Subcommittee (IDSC) to work with NHTSA, the Governor's Highway Safety Association (GHSA), and Mothers Against Drunk Driving (MADD) to determine how we can substantially reduce impaired driving in the United States and Canada, and the associated traffic fatalities and injuries caused by impaired driving. The IDSC is made up of 20 safety experts from government, law enforcement, and MADD.

The IDSC developed a mission statement to steer them toward the desired outcome of this project:

The IACP Highway Safety Committee's Impaired Driving Subcommittee will provide recommendations to substantially reduce impaired driving traffic fatalities and injuries through enhanced enforcement.

The Subcommittee then decided on two deliverables. The first is this Guidebook that is intended to serve as a guide to law enforcement executives on how to most effectively renew their efforts to eliminate impaired driving on our roadways. The second deliverable is an IACP Resolution. The Resolution (***Appendix A***) was approved by the Highway Safety Committee at its mid-year meeting in June 2006 and forwarded to the IACP for adoption during the 2006 IACP annual meeting in October. Using this Resolution as a model, the National Sheriffs' Association (NSA) adopted a similar resolution at their annual meeting in June 2006.

The Subcommittee came to agreement that success lies in three key areas, and this Guidebook has a section dedicated to each:

- ★ Law Enforcement Leadership;
- ★ Criminal Justice Collaboration; and
- ★ Effective Communication Strategies.

Instead of working independently toward a common goal, IACP, NHTSA, MADD, NSA, GHSA, the American Association of Motor Vehicle Administrators (AAMVA), and other key stakeholders have forged an alliance and are more closely coordinating their efforts to create a synergy to help us eliminate impaired driving. The immediate goal is to meet NHTSA's 1.0 deaths per million miles traveled benchmark, followed by ultimately attaining our goal of zero deaths on our state, provincial, county, local, and Tribal highways, streets, and roads.

EXECUTIVE SUMMARY

Impaired driving continues to be one of North America's greatest and most persistent threats to public safety. Impaired driving leads cancer and all other causes of death for those persons ages 3 to 33 years old, regardless of race, gender, or any other factor, and our society is poised to support the law enforcement community's need to take a lead role to end this epidemic. There are many public and non-profit agencies and entities focused on the elimination of impaired driving, but there is often a lack of sustained coordination in their efforts.

The IDSC prepared an IACP Resolution (***Appendix A***) to encourage a renewed effort from every law enforcement agency to work vigorously toward the elimination of impaired driving. However, this Resolution is only the first step in a chain of events that is intended to create a new momentum to make elimination of impaired driving a reality.

The IDSC developed this Guidebook as the next step in creating the desired momentum. The target audience includes state, provincial, county, local, and Tribal police executives and their agencies. Whether your agency is already strategically focused on eliminating impaired driving or you are contemplating making it a high priority, this Guidebook is intended to serve as a resource to assist you in that effort.

Additionally, as a result of President Bush's August 2005 signing of the "Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users" (SAFETEA-LU) federal highway reauthorization bill, every state must submit a Strategic Highway Safety Plan (SHSP) outlining how all levels and areas of government will work together to make each state's roadways safer. Law enforcement must take advantage of this opportunity to leverage additional resources through each state's SHSP to augment current resources allocated to eliminate impaired driving.

As indicated by the title, the Subcommittee's research has found that success lies in three key areas: ***Leadership***, ***Criminal Justice Collaboration***, and ***Communication***. The cover photos reflect each of those three areas.

Leadership

Strong leadership is the first key to success in renewing our efforts to eliminate impaired driving. Although this Guidebook is meant for law enforcement executives, leadership is needed throughout all levels and agencies of government. This section of the Guidebook provides recommendations on actionable items that police executives can focus on within their agencies, as well as external actions that often serve as a catalyst to galvanize our partners and perpetuate success.

Leadership is also needed to ensure that traffic law enforcement is viewed among both the law enforcement community and the public as "real police work." Traffic law enforcement has already proven to be an effective means of crime *prevention* by interdicting criminal behavior and terrorism *before* crimes are committed. The theories contained in "Fixing Broken Windows," which proved highly successful in reducing crimes and improving quality of life, are easily transferable to traffic law enforcement.

Leadership is also needed throughout law enforcement organizations to ensure that scant resources are appropriately focused and that an agency's field activities support desired

outcomes. Accountability Driven Leadership models such as TrafficStat (New York Police Department) and Strategic Advancement Forums (Washington State Patrol) are models already being emulated throughout law enforcement and other government agencies in the United States to promote leadership, accountability, and efficiency.

In addition to ensuring aggressive impaired driving enforcement is occurring in your agency, executive leadership should:

- ★ Develop strong support among government leaders;
- ★ Sponsor or participate in meaningful awards and recognition programs to provide positive reinforcement for impaired driving enforcement; and
- ★ Publicly support advancements in automotive and enforcement technologies for sensing impairment.

Criminal Justice Collaboration

Partnering and collaborating with other agencies and entities in order to combine resources can serve as a "force multiplier" and can achieve results that no single entity could accomplish alone.

In order to eliminate impaired driving, each jurisdiction should identify the steps necessary to achieve success, develop an actionable plan to achieve that success, implement the plan, regularly examine the results, and repeat the process.

This section of the Guidebook provides examples of potential partnerships and collaborations that are intra-disciplinary, inter-disciplinary, and system-wide, and it provides several proven methods for building relationships. In support of this effort, ***Appendix B*** provides a list of some of the best Internet resources available; and ***Appendix C*** lists potential partners from national organizations and associations, as well as federal, state, and local partners.

Communication

Effective internal and external communication is the third key to success in renewing our effort to eliminate impaired driving. Law enforcement leaders must take affirmative measures to "sell" impaired driving enforcement to both their officers and to the public.

A proactive public relations strategy is essential to reaching diverse audiences for effective impaired driving enforcement. This section of the Guidebook also explains the role of the Governor's Highway Safety Office and provides information on how law enforcement executives can effectively engage the media.

There are many strategies that can and should be deployed in the fight against impaired driving, most notably sustained high visibility enforcement. Research has shown that strong and effective laws—combined with highly visible enforcement—reduces impaired driving and other crimes as well.

LEADERSHIP

LAW ENFORCEMENT LEADERSHIP

It is understood that law enforcement cannot solve the impaired driving problem alone. Clearly, we must work effectively in collaboration with, and in support of, our partners and stakeholders. This is why an entire section of this publication is dedicated to ***Partnerships and Collaborations***.

However, it is critical that law enforcement leaders prioritize activities aimed at reducing incidents of impaired driving and related crashes that too often result in fatalities and disabling injuries.

As law enforcement leaders at national, state, and local levels, we must deliver a clear and consistent message of support and encouragement for strengthened enforcement initiatives.

It is acknowledged that most law enforcement agencies are dealing with increased demands, less staff, and reduced funding. We must continually and effectively motivate our officers through leadership and clear direction of the need to prioritize traffic law enforcement. Why? In addition to the potential to significantly reduce impaired driving and related crashes, there is unlimited potential for another positive consequence—**CRIME REDUCTION.**

In the 1990s, many law enforcement agencies focused on "the little things" and adopted the "Fixing Broken Windows" strategy to their goals and objectives[2]. By quickly addressing seemingly insignificant crimes, law enforcement deterred people from committing larger crimes and drove down the general crime rate[3]. We should apply the same strategy to traffic law enforcement. The jurisdictions that have implemented this strategy have experienced tremendous success.

More citizens formally encounter law enforcement through traffic stops than by any other means. The Bureau of Justice Statistics reported in 2002 that almost 17 million citizens encounter law enforcement officers during traffic stops or investigations (this represented approximately 40% of all officer-civilian contacts[4]). By prioritizing traffic law enforcement, we cannot only curtail impaired driving, we will reduce crime overall.

Institutionalize your commitment by incorporating traffic safety goals into your department's strategic plan. In addition to including relevant goals and objectives, require and track performance measures, such as DUI arrests (output measures), in support of the reduction of traffic fatalities and injuries (outcome measures).

The IACP Highway Safety Committee supports the following actions that would assist law enforcement leaders in renewing our collective efforts to significantly reduce impaired driving:

- ★ Encourage law enforcement member agencies to revisit their policies and goals regarding impaired driving.
- ★ Encourage the State Association of Chiefs of Police (SACOP) to endorse, publicize, and aggressively seek participation by their members in sustained high-visibility impaired driving enforcement.
- ★ Institute management and personnel accountability systems specific to crash and enforcement activity (e.g., TrafficStat, Strategic Advancement Forums[5]).
- ★ Ensure that enforcement of impaired driving is an agency priority mission. Provide officers with the time, training, and tools required to perform this mission as effectively as possible.
- ★ Create state, regional, and local DUI enforcement task forces that will produce increased high-visibility enforcement. Increased enforcement should be directly tied to NHTSA's new National Crackdown Plan (see ***Appendix B*** for the NHTSA Web address).
- ★ Law enforcement agencies should actively pursue alternate funding sources to support DUI enforcement, training, and equipment. Potential sources include:
  - Federal, state, and local grants
  - Insurance companies
  - Local civic groups
  - State-level legislation for dedicated DUI cost recovery funding to arresting agencies
  - Private corporations
  - Not-for-profit groups

  For additional information on funding, see the IACP's Highway Safety Deskbook[6].
- ★ Encourage the International Association of Directors of Law Enforcement Standards and Training (IADLEST) to continue its endorsement of the use of NHTSA's standardized field sobriety test training as part of all post-mandated curriculum and to join in a renewed effort to ensure that all levels of law enforcement training contain a solid emphasis on impaired driving enforcement strategies, tactics, and techniques.

- ★ Encourage the FBI National Academy law enforcement leadership program to include traffic law enforcement management in its curriculum.
- ★ Support technology development. The most current technology and development of new technology can further reduce impaired driving and assist in detecting those who do drive impaired.
- ★ Institute awards and recognition.
  - IACP Law Enforcement Challenge
  - State-Level Awards
  - Agency-Level Awards
  - www.madd.org/madd_programs/10287 contains information on law enforcement recognition programs.

Each year, alcohol-related crashes in the United States cost about $51 billion.

Source: Blincoe 2002.

Awards and Recognition

Recognition for a job well done is fundamental to achieving positive reinforcement and promotion of agency goals and objectives. This is especially true in law enforcement disciplines such as traffic safety, where tasks are repetitive and sometimes tedious, and the connection between the enforcement action (ticket or summons) and the outcome (lives saved) may not be readily apparent. Law enforcement executives are usually quick to praise the officer who apprehends a fleeing suspect in an assault or homicide, but often neglect to provide such praise to the officers who routinely prevent the perpetration of such crimes in an automobile. Officers who actively enforce impaired driving laws are preventing assaults and homicides and deserve praise and recognition for their efforts. This type of recognition promotes similar behavior among other officers.

In addition to internal recognition, a variety of highway safety organizations provide recognition for outstanding impaired driving enforcement efforts by individual officers and their agencies. These awards programs enhance self-esteem with the department and are invaluable to promoting community relations and public support for the department.

National-Level Awards

The International Association of Chiefs of Police (IACP) Law Enforcement Challenge is a competition among similar sizes and types of law enforcement agencies. It recognizes and rewards the best overall traffic safety programs in the United States. The areas of concentration include efforts to enforce laws and educate the public about occupant protection, impaired driving, and speeding. Agencies submit an application that documents their efforts and effectiveness in these areas. The winning safety programs are those that combine officer training, public information, and enforcement to reduce crashes and injuries within its jurisdiction. Further information can be found online at www.theiacp.org/awards/NLEC.

State-Level Awards

Law enforcement officials seeking recognition for their departments or officers should investigate the available state-level awards programs in which they can participate. A variety of awards are presented to agencies and individuals at the state level. These awards vary greatly from state to state as to eligibility, application, and host agencies, but law enforcement executives and their impaired driving enforcement programs can benefit greatly by participating in these awards programs. In many states, the programs are a state version of the IACP Law Enforcement Challenge.

Agency-Level Awards

Law enforcement leaders should recognize the efforts of their officers who contribute significantly to reducing impaired driving through both internal recognition and by submitting those officers to local service clubs and their state MADD executive director for possible recognition.

GOVERNMENT LEADERSHIP

It is difficult, if not impossible, to accomplish substantial improvements in reducing incidents of impaired driving and related crashes without strong support of our government leaders. Successful strategies targeting impaired driving must have support from all levels of government. National, state, county, municipal, and Tribal leaders must be lobbied for legislative, financial, and moral support.

At the federal level, the Secretary of Transportation and Attorney General's Office have identified impaired driving as a core enforcement priority. In 2005, Congress passed the landmark Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), signed into law by President Bush on August 10, 2005. SAFETEA-LU provides unprecedented funding for traffic safety initiatives that focus on driver behavior. SAFETEA-LU also provides an impetus for multi-disciplinary cooperation by requiring the states to bring together

all relevant stakeholders to develop a Strategic Highway Safety Plan (SHSP).

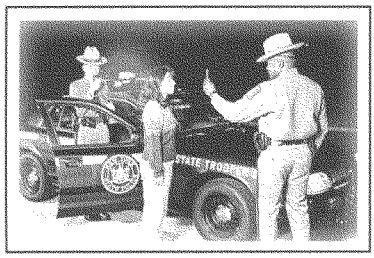


Photo courtesy of the New York State Police

Likewise, governors, legislators, mayors, county managers, city managers, and local governing bodies have a major role in reshaping the public perception of what is acceptable in their communities. At every opportunity, we must assist them in developing and delivering a clear, consistent message: ***"Impaired driving is unacceptable."***

The Highway Safety Committee, Impaired Driving Subcommittee, supports the following actions in engaging our government leaders to address the impaired driving problem:

★ Contact the State's Highway Safety Office; ask that current crash and enforcement data be sent to various levels of governmental leadership to establish baselines and benchmarks for state and local governments.

★ Announce statewide goals for active participation in enforcement campaigns that coincide with national initiatives and public information and education programs.

★ Work with your state chiefs' and sheriffs' associations and highway safety offices to encourage state legislatures to pass effective laws that are reasonable and enforceable.

★ Identify a key individual (e.g., state senator, member of Congress) who will champion law enforcement efforts. Formally recognize this person's efforts.

★ Solicit local and county government leaders for support of law enforcement efforts. Consistent support of enforcement strategies will send a clear message that chiefs and sheriffs have the support of their government leaders.

PUBLIC SUPPORT FOR TECHNOLOGY

Technological advancements have been made in both law enforcement and automotive safety in recent years. A variety of automotive interlock sensors and other passive devices are currently under development to prevent impaired drivers from jeopardizing safety. Similarly, advances in fields of medicine, engineering, and micro-electronics hold great promise in eradicating impaired driving in the near future. Law enforcement executives should support the development of these technologies to reduce or eliminate impaired driving in the future.

Summing it up...

★ *Prioritize activities aimed at reducing impaired driving.*
★ *Deliver a clear and consistent message of support and encouragement.*
★ *Apply the "Fixing Broken Windows" strategy to traffic law enforcement.*
★ *Use statistics to ensure that resources are applied where they are needed most.*
★ *Institute management and personnel accountability.*
★ *Create state, regional, and local impaired driving enforcement task forces to increase the visibility of enforcement.*
★ *Use standardized field sobriety test training as part of all post-mandated curricula.*
★ *Support technology development.*
★ *Institute award and recognition programs.*

CRIMINAL JUSTICE COLLABORATION

PARTNERSHIPS AND COLLABORATIONS

Over a decade ago, the American Medical Association (AMA) recognized that alcohol-related traffic crashes are a "leading cause of unintentional injury and deaths and a substantial contributor to health care costs in the United States."[7] There is no absolute right to drive.[8] People who risk their own lives, let alone the lives of others, by driving while impaired by alcohol and/or drugs should not be allowed to drive.

General deterrence is the key to curtailing impaired driving. Deterrence is based on sustained high visibility law enforcement, coupled with swift and certain punishment. Traditionally, we—as highway safety professionals, advocates, law enforcement officers, prosecutors, and other stakeholders—worked separately. Our efforts have achieved moderate success. *Working together, we can do so much more.*

Proven Collaborations

Intra-Disciplinary Partnerships

Stakeholders often can reap great benefits by partnering with others within their discipline. There are many examples of intra-disciplinary collaborations that work well, including:

★ **Enforcement Collaboration**
Law enforcement agencies have achieved tremendous success sharing best practices and resources. Doing this leads to more effective training, sobriety check points, saturation patrols, task forces, and use of equipment. It also promotes consistency and enhances working relationships between city, county, state, and Tribal police agencies.

★ **Toxicology Collaboration**
Toxicologists have joined together to form professional alliances that allow them to share knowledge, address complicated issues, and further develop their expertise.

Inter-Disciplinary Partnerships

There are numerous effective strategies and tactics that can be relied upon. All of them, however, are dependent upon public support. Accordingly, stakeholders usually can accomplish more by breaking traditional boundaries and working with other disciplines. By expanding productive partnerships and advancing collaboration, law enforcement agencies can gain vital support, amplify available resources, and share ownership for traffic safety enforcement programs and activities.

The payback for expanding partnerships is well worth the investment.

There are many excellent examples of positive inter-disciplinary collaborations:

★ **Enforcement/Adjudication Collaboration**
(state vehicle administrators, traffic safety resource prosecutors, local prosecutors, and judges): These professionals have worked together in many jurisdictions to identify paperwork issues, address workload and plea bargain issues, expand BAC testing, and improve case preparation and quality.

★ **Enforcement/Community Collaboration**
(business leaders, community leaders, organizations, minority leaders, alcohol and drug abuse treatment and health agencies, and advocacy groups such as MADD): These professionals have collaborated to generate support for enforcement efforts, provide increased visibility during special mobilization efforts, obtain additional resources for special projects (like DUI Courts), promote prosecutor training, and establish community standards of expectations in addressing the impaired driving violator.

Strategies and Promising Practices

There are many other resources and partnerships that have been successful. For example:

★ Traffic Safety Resource Prosecutors (TSRP)
- — A NHTSA priority.
- — As of 2006, there are 25 TSRPs.
- — The best TSRPs train and work with law enforcement officers and prosecutors.

★ Fatal Crash Teams (FACT teams go by different names in different jurisdictions)
- — Traffic homicide detectives and prosecutors respond as a team to all felony fatal crashes.
- — King County, Washington, and many Indiana jurisdictions employ FACT teams.

★ Major Accident Investigation Team (MAIT)
- — A collaboration between the Washington State Patrol and the Washington State Department of Transportation (WSDOT).
- — The agencies jointly investigate all fatality crashes where three or more people are killed.

★ "24/7" on-call prosecutors (general and specialized)
- — Miami-Dade County, Florida State Attorney's Office provides "around-the-clock" legal assistance to law enforcement officers and others.

— The Harris County (Texas) District Attorney's Office also provides around-the-clock prosecutors.

★ Tele-warrant partnerships between law enforcement, prosecutors, and judges.
— Arizona prosecutors, law enforcement officers, and judges established a system to allow officers to quickly and easily obtain warrants to draw blood in DUI cases.

★ In some jurisdictions, prosecutors and toxicologists attend and participate in law enforcement trainings and sobriety checkpoints and do ride-a-longs. In many of these jurisdictions, law enforcement officers, in turn, participate in prosecutor trainings (see **Appendix C** for a listing of potential partners).

System Wide Collaborations

★ **Strategic Highway Safety Planning**

Strategic Highway Safety Plans (SHSP) should be regularly reviewed and updated. The American Association of State Highway Transportation Officials (AASHTO) has encouraged all state Departments of Transportation (DOTs) to engage their state highway safety offices and their state and local law enforcement in the development of the SHSP. If law enforcement executives from all levels were not involved in the original development of their state's SHSP, they should contact their DOT and urge they be involved in any review/update process that takes place.

★ **Florida's Statewide Technical Advisory Committee on DUI Enforcement and Prosecution (TAC)**

Florida's diverse TAC demonstrates how a system-wide collaboration can achieve tremendous change. In 1994, several stakeholders, led by the Institute of Police Technology and Management (IPTM) and the Florida Department of Transportation, created the Technical Review Committee to promote the use of laser speed-measuring devices in the state. The organizers welcomed law enforcement officers and prosecutors to the group. The task force was so effective that members expanded the committee's scope to include all traffic issues and invited other stakeholders "to the table," including representatives from the state agency regulating breath testing (the Florida Department of Law Enforcement), MADD, toxicologists, and judges. They renamed the Committee the Technical Advisory Committee on DUI Enforcement and Prosecution (TAC).

During the ensuing years, TAC created several subcommittees, including *DUI Case Preparation, In-Car Video, Sobriety Checkpoints, DUI Law Update, Breath Testing, Legislative, Youth & Alcohol,* and *Bureau of Administrative Review* and expanded to almost 30 members. The committee coordinates activities statewide by:

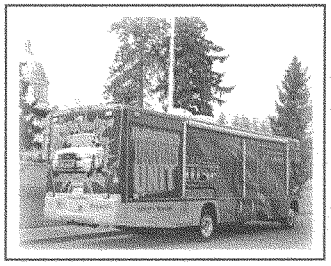
★ Identifying new problems and solutions;

★ Developing new legislation;

★ Monitoring case development; and

★ Promoting education and enforcement waves.

The committee has published manuals on case preparation and testimony, coordinated responses on all major legal challenges, and addressed numerous legislative issues.



This Washington State Patrol (WSP) Mobile Impaired Driving Unit (MIDU) was purchased and equipped through a collaborative partnership between the WSP, Washington State Traffic Safety Commission; Poulsbo RV; State Farm Insurance; and several other companies that provided equipment or other services.

The MIDU is equipped with three BAC Compact Data Masters; a dark room for DRE Evaluations; three computer work stations for officers to prepare their reports; and two prisoner holding cells.

For information regarding the MIDU, contact the WSP Impaired Driving Section at (206) 720-3018.

Association Collaborations

Associations and other advocacy organizations that support improving highway safety initiatives, including reducing the incidences of driving while impaired (e.g., AAMVA, GHSA, and AAA).

Community Collaborations

★ **Chamber of Commerce**

They clearly have a stake in a safe community; highway safety is good for business and tourism

growth. Solicit and encourage their active partnership.

★ **Community Improvement Districts (CIDs)/ Business Improvement Districts (BIDS)**
These private authorities are comprised of groups of property owners committed to business growth through improved quality of life issues. They have a direct interest in the safety of the community.

★ **Media**
To eliminate impaired driving, we must augment our enforcement efforts with education. In order to reach every driver with our message on the dangers and consequences of impaired driving, we must use as many resources as possible. One of the most valuable resources we have available to us is the media. Television, radio, and print media reach far more people than we can ever hope to reach through safety talks and presentations. This can have a tremendous impact on our citizens and encourage them to be responsible.

Private Sector Collaborations
Strong vocal support and active participation from various segments of the private sector are critical to achieving significant reductions in impaired driving and related crashes. We must actively seek their support and participation.

Who are the stakeholders in the private sector? Support should be sought from traditional and non-traditional partners, including:

★ **Advocacy Groups**
Advocacy groups, including state, regional, and local MADD affiliates. Don't assume that every advocate is going to contact law enforcement; they may be waiting for our invitation.

★ **Insurance Carriers**
In addition to corporate support, seek assistance of local agents who aggressively support highway safety issues within their coverage areas. Consider asking this group to assist with public information and education materials.

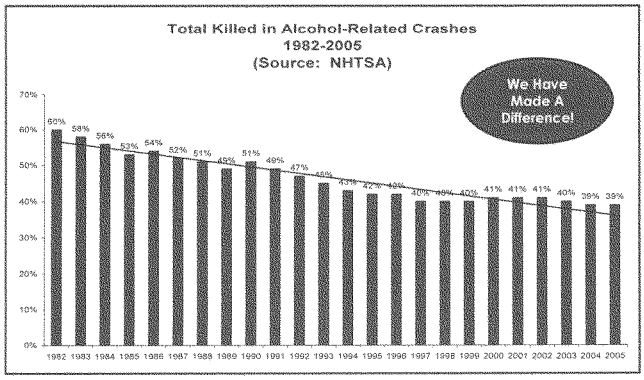
★ **Advertising**
Seek both responsible advertising and public information assistance from advertisers who are willing to promote safe driving.

★ **Automotive/Motorcycle Dealerships**
Encourage dealerships to sponsor safe driving campaigns, child safety seat clinics, and anti-impaired driving messages.

★ **Alcohol Beverage Industry**
We must bring them to the table, seek their input, and help find solutions collaboratively, where possible. All levels of this industry should be involved, including the distillers, brewers, distributors, proprietors, and servers.

RECOMMENDATIONS

An identified highway safety champion must call the first meeting and serve as a catalyst. The Subcommittee recommends that stakeholders employ the following tactics and strategies:



CRIMINAL JUSTICE COLLABORATION

- ★ Promote traffic law enforcement as a version of the "Broken Windows" theory.
  - — Traffic law enforcement increases overall criminal interdiction and reduces overall crime rights via general deterrence.
    - DUI
    - Drug trafficking
    - Burglary
    - Gun possession
    - Identity theft
    - Terrorism interdiction
  - — Develop a catch name/phrase.
    - For example, "Traffic with a purpose."

- ★ Promote deterrence through proven programs, including:
  - — Sobriety checkpoints
  - — Saturation patrols
  - — Roving patrols
  - — Public education combined with enforcement
  - — Expansion of state Drug Recognition Expert (DRE) Programs
  - — "Keg-buster" and other underage drinking education and enforcement programs

- ★ Create state and local multi-disciplinary TACs that meet regularly and address current and emerging issues.

- ★ Provide multi-disciplinary training that provides continuing education credits, whenever possible.

- ★ Online/electronic multi-disciplinary training that provides continuing education credits, whenever possible.

- ★ Create listserves or Yahoo groups.
  - — Systems that allow for the quick, efficient, and free sharing of information.

- ★ Support proven prevention efforts.
  - — Prevention is preferable to punishment. It's better to prevent a fatality than prosecute the person responsible for it.

- ★ Support treatment and rehabilitation.
  - — Engage treatment professionals.
  - — Work with dedicated DUI/DWI courts.

- ★ Support brief screening and intervention efforts.
  - — Physicians and other medical professionals who are likely to encounter impaired people (especially emergency room employees) should screen them for alcohol and/or drug problems and offer assistance.
    - Research demonstrates that the majority of injuries requiring emergency treatment are alcohol- and/or drug-related.

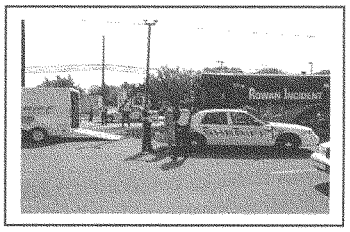


Photo courtesy of Rowan County, North Carolina, Sheriff's Office

- ★ Include multiple disciplines in major crash investigations, including law enforcement, prosecutors, hospitals (to ensure that proper samples are obtained for testing purposes), toxicologists, medical examiners, state data system recorders (to improve Fatal Analysis Reporting System (FARS) data), and others.

- ★ Encourage prosecutors to include arresting officers and victims in their plea negotiations.
  - — When prosecutors include law enforcement officers or victims, it makes them feel like their opinions matter and improves relationships.
  - — Encourage prosecutors to aggressively enforce impaired driving laws.
  - — Promote a policy of not reducing charges of people who provide admissible samples registering 0.08 or above.

- ★ Promote court monitoring.
  - — Court monitoring helps improve criminal justice proceedings.
  - — When the system does not work properly (and change is not being discussed), law enforcement officers understandably become frustrated and enforcement collapses.
  - — The goals of court monitoring are:
    - To compile statistics on how DUI cases are adjudicated.
    - To make those involved in the process aware there is public interest in the outcome of such cases.
    - To report compiled data to relevant entities so the system can be improved.

- ★ Engage minority leaders.
  - — Seek their assistance in informing their constituents about pending checkpoints, mobilizations, and crackdowns.

- Work with them on defined problems and find information-driven solutions to the problems.
- Develop a strategy that focuses on outreach to minority youth to reduce underage drinking.
  - Increases trust and communication between law enforcement and youth).
- As much as possible, law enforcement should work with non-profits, businesses, churches, and other organizations to provide public safety education and presentations to members of the community.
  - Builds better community relationships.
  - Encourages positive traffic safety behavior.
- Use statistics more effectively to build relationships.
  - Develops and provides accurate, timely information about criminal traffic behavior and collision trends to officers, allowing them to act on data, not race.
  - Communicates to the community that police profile *behavior, not race.*
- Work with local minority organizations for recruitment of officers from the minority communities.
  - Law enforcement must focus on recruiting officers who reflect the diversity of the communities they serve.

Lasting partnerships and collaborations are a proven method for sharing resources, acquiring needed assistance, and streamlining processes and important mechanisms for generating new ideas and innovative ways to use resources more efficiently.

HURDLES TO REFORM

America will have the DUI problem it chooses to have. We know how to solve the problem, but face numerous obstacles. There has been a lack of unified leadership and resolve. Public and private partnerships can resolve this deficiency. IACP, MADD, and NHTSA can and will fill the leadership void by engaging other stakeholders and working together to overcome the hurdles we face.

Some of the challenges we must overcome include:

- ★ Years of insufficient resources.
- ★ Differing leadership priorities by jurisdiction.
- ★ Differing needs of urban and rural jurisdictions.
- ★ Poorly written, loophole-ridden, or unenforceable laws.
- ★ A judiciary that struggles to define itself and maintain its objectivity in the face of aggressive defense attorneys.
- ★ An organized DUI defense bar more concerned with "winning a case" than with the carnage on our streets and highways.
- ★ Appellate court decisions that hinder impaired driving enforcement.

Each state and jurisdiction needs to actively identify what their hurdles to success are, develop the necessary plans to address them, establish the partnerships necessary to overcome them, implement the plans, regularly examine the results (and revise the process as required), and repeat the process.

Summing it up...

- ★ *Law enforcement agencies should share best practices and resources with each other to promote consistency and to enhance working relationships.*
- ★ *Inter-disciplinary partnerships can break traditional boundaries, provide broad-based support, amplify available resources, and establish shared ownership.*
- ★ *Examples of inter-disciplinary partnerships include collaboration between law enforcement and prosecutors, community organizations, and business leaders.*
- ★ *Toxicologists should collaborate by sharing knowledge, addressing complicated issues, and further developing expertise.*
- ★ *System-wide collaborations can create other opportunities, such as Strategic Highway Safety Planning efforts.*

COMMUNICATION

INTERNAL COMMUNICATION

How do we sell DUI enforcement to our officers and the public? As with any good product, it largely sells itself if the target audience is made aware of it. Garnering the support and response of officers and the public requires leadership, which begins with awareness and commitment at the highest level of any organization. Motivating road officers to not only accept, but also become actively involved with DUI enforcement, should be one of the focal points of a progressive traffic enforcement program. This motivation begins with the chief, sheriff, or other department head and must be conveyed from the top down throughout all levels of the organization.

Training

- ★ Officer apathy can be a concern when trying to promote DUI enforcement. This apathy can result from a lack of training, so it is essential that all officers receive the most current training available in DUI and other traffic enforcement techniques, including standardized field sobriety testing (SFST).

- ★ It seems that many officers fear ridicule if they incorrectly enforce traffic laws. Training that improves their professional competence is a motivational force for most.

- ★ Internal train-the-trainer programs can be a very effective means to promote traffic enforcement training, as officers often better accept and implement training that is provided by trainers that they know.

The Value of Statistics

- ★ Provide officers and the public with statistics on DUI collisions, including the number of deaths, medical expenses, and property damage involving impaired drivers. Such statistics are readily available from a variety of sources, including the National Highway Traffic Safety Administration (NHTSA), state governors' traffic safety offices, and MADD. See, for example, www.nhtsa.gov, www.stopimpaireddriving.org, www-nrd.nhtsa.dot.gov/departments/nrd-30/ncsa/, www.ghsa.org, www.madd.org.

- ★ In addition to being used to educate officers and the public, data should be used as part of any management accountability model to ensure resources are used in the right place and at the right time to interdict impaired driving before crashes occur.

- ★ Law enforcement executives who seek public support for their enforcement efforts may also compile local statistics of the cost in life and property to their community. When citizens are made aware of the personal costs to them in human life and injury, along with monetary loss through medical expenses and property damage, they are likely to support your efforts.

- ★ Even if citizens are not directly involved in a DUI crash, they are affected by an increase in their medical costs and vehicle insurance rates. These statistics are the foundation of support for both law enforcement officers and the public they serve.

EXTERNAL MESSAGING

Working with the public is a *must* in DUI enforcement. Law enforcement executives should not be deterred by the occasional negative public response to impaired driving enforcement. A consensus of the vast body of research on public attitudes continues to show that the public rates impaired driving among the greatest highway safety threats and there is broad-based support for enhanced enforcement. DUI enforcement programs are greatly enhanced when an agency is proactive in garnering support for its efforts from key supporters and allies such as MADD and other traffic safety organizations, community groups, and coalitions.

Public Relations

- ★ A key component to an effective DUI enforcement campaign is proactive public relations. Civic and community groups are often eager to have police officers and executives make presentations on traffic and crash-related topics. These opportunities are invaluable in securing a broad base of community support, not only for the traffic and DUI enforcement programs, but for the agency in general.

- ★ These presentations should focus not only on safe driving behaviors and the importance of driving sober, but should also emphasize the enforcement effort. Public perception that strict enforcement is occurring is one of the most effective means of reducing driver behaviors that contribute to traffic crashes.

- ★ Recent analysis and study of traffic safety campaigns has demonstrated that clear and concise messages about strict enforcement are more effective at eliciting the desired public compliance than are messages about the inherent safety benefits of that compliance. When combined with actual high visibility enforcement, these messages have a synergistic

impact on public behavior well beyond that of the actual enforcement effort. Nowhere has that been more clearly demonstrated as with the "Click It or Ticket" occupant restraint campaign.

★ These experiences suggest that deterring impaired driving may be best accomplished when messages focus on the likelihood of arrest, prosecution, and penal implications, rather than on injury or loss of life. Police executives should publicly convey their commitment to strict enforcement of impaired driving to raise the public perception that those who drive while impaired will be caught and punished. This commitment cannot be overstated so long as it is supported by actual enforcement efforts, and publicizing the results of those efforts serves to publicly reinforce that message.

Marketing/Branding

An effective marketing and branding strategy is crucial in any program devoted to reducing impaired driving. An example is the "Click It or Ticket" campaign. This statement and accompanying exposure heightened the awareness of the public concerning the importance of wearing seat belts. A successful campaign must reinforce the impaired driving reduction strategy and be well structured. Law enforcement executives should strongly consider partnering with their Governor's Highway Safety Office in their efforts to "get the message out." NHTSA also encourages the use of their new impaired driving tag line: "Drunk Driving. Over the Limit. Under Arrest."

COMMUNICATING WITH DIVERSE AUDIENCES

While alcohol and drug use has been shown to vary widely with ethnic and cultural demographics, ethnic or cultural sensitivities should not be impediments to effective impaired driving enforcement. Impaired driving is an equal opportunity killer that causes the same pain and grief in families and communities of all ethnicities. This should be the motivation for law enforcement leaders to institute highly visible enforcement programs in all communities.

Open and Effective Communications

★ As with all traffic enforcement programs, the success of impaired driving enforcement programs in diverse communities hinges upon the openness and effectiveness of communication between law enforcement and the community. The community at large should be made aware that the enforcement effort is not intended to threaten them, but to protect them. This can often be achieved by involving community leaders in the planning process, the focusing of the enforcement efforts, and by providing feedback regarding the effectiveness of the program.

★ Agencies that have open and positive relationships with their communities should utilize these existing relationships to promote its enforcement efforts. Agencies without such existing relationships will be well served in all their law enforcement efforts by establishing ties with key community leaders, and keeping lines of communication open with those leaders year round, not just in times of crisis or when it serves the department needs.

★ Additionally, police–community relationships need not consist of people of the same ethnicity to be effective. It is the mutual interest and respect that bind such relationships, not racial or cultural homogeneity.

THE ROLE OF THE GOVERNOR'S HIGHWAY SAFETY OFFICE

Each state has a governor's highway safety representative and, in most cases, a statewide highway safety office (SHSO), directed by a governor's representative that serves a coordinating role for programs, information, and funding. SHSOs are known by various titles state to state.

The mission of these offices is to educate the public on traffic safety and to facilitate the implementation of programs that reduce crashes, injuries, and fatalities on the roadways. SHSOs are a great asset for impaired driving communications and media involvement, particularly for small-medium size local agencies that may not have professional staff dedicated to handling these functions.

★ For example, SHSOs frequently hold media campaigns to promote both NHTSA and local safe driving campaigns, such as Click It or Ticket, where local law enforcement officials can serve as guest speakers.

★ Most SHSOs have available, often at no charge, a variety of printed publications and media resources that are ready to be used by your jurisdiction.

★ The SHSO is also the conduit of federal highway safety funding available from NHTSA, and many law enforcement agencies apply for and receive grants to assist them in combating

impaired driving. Such grants may provide funding for a variety of matters, depending on the funds available, the data-driven need of a given community, and the state's Strategic Highway Safety Plan.

* Another resource similar to the SHSO is the Governors Highway Safety Association (GHSA), an umbrella organization representing the interests of the SHSOs and serving as the state's voice on highway safety at the national level. This non-profit association represents the state and territorial highway safety offices that administer programs addressing the behavior of drivers and other road users, and one of its main focuses is impaired driving. GHSA's mission is to provide leadership in the development of national policy to ensure effective highway safety programs. The Association provides a collective voice for the states in working with Congress and the federal agencies to address their safety challenges. Additionally, the organization's Web page (www.ghsa.org) contains a variety of reports, state-by-state statutory comparisons, and other information to assist local law enforcement in its efforts to curb impaired driving.

ENGAGING THE MEDIA

Law enforcement agencies need the support of the public to provide effective police services for our communities. The local and national media are one of the most effective means to reach a broad audience quickly, so it is critical to develop ongoing working relationships with them. Since everything we do is in the public domain, the most successful police executives take the mission of engaging the media seriously. This approach has a direct impact on everything they do and they ensure that the media is engaged at all levels.

As stewards of their community's safety and security, successful police executives treat each interview as an opportunity to disseminate their agency's message clearly. With good preparation, solid messages, and knowledge of a few interview techniques, you can have a positive influence on the outcome of stories about your agency and law enforcement in general.

Getting Ready

Training to engage with the media is absolutely critical. Success in an interview is directly tied to the quality of the presentation, the ability to articulate your message, and the level of control exercised during the interview process. Don't think an interview is a conversation or that you can "wing it." Instead, view it as an opportunity to make a well-developed presentation, reflecting research, preparation, and enthusiasm. Specialized media training can better ensure success in this endeavor.

Messages

Considerable thought should be given to what you want to say and how to say it. Anticipate the issues and questions of an interviewer and equip yourself with short, memorable, positive and relevant messages. ***Practice, practice, practice.***

Be aware of interview time constraints and the importance of optimizing every moment. Some interview situations will allow you to talk at length; however, for most, it is critical to distill your message down to 12-to-15 second sound bites or one-to-two dozen quotable words. Because you have no control over what questions an interviewer will use in the final story, each of your answers should deliver a desired message.

Tools

Basic techniques you can use to control an interview and present your message:

* **Hooking**

Take advantage of opportunities before and during the interview to "hook" your interviewer. Suggest topics, entice the reporter into your agenda, and focus on your messages.

* **Bridging**

The smooth transition from the interviewer's question to your message. A direct question deserves a direct answer. Then, after briefly touching upon the answer, bridge to your message and your agenda.

* **Flagging**

A way to underscore, verbally and non-verbally, what is important within your answers during the course of an interview. You can use voice inflection, a hand gesture, eye contact, body language, or a phrase like, "What is really critical to know about this issue is..." to ensure the interviewer and the

audience have a clear understanding of what you think is important.

★ **Personal Credibility**
Remember, you're the expert, that's why you're being interviewed. Use your personal knowledge and experience for emphasis and avoid speaking about police services in the abstract.

- For example, if you can say, "I've been a patrol officer" or "I've talked to the men and women using this community policing technique," say it. Your critics aren't shy about their credentials: you shouldn't be either.

Repeating Messages

An interview has a purpose and so should you. Know what you want the headline or main message to be. During an interview, repeat your message frequently. In an audio or video taped interview, you rarely know in advance which of your statements will be used in the final edit of the broadcast story. Repetition helps to ensure the audience and the media remember your messages.

Rules of Engagement

★ **The Interviewer and the Audience**
Prior to any interview, find out as much as you can about your interviewer and your audience. Don't confuse the two—the former is only a conduit to the latter. Tailor your messages accordingly.

★ **The Record**
Always consider yourself "on the record" and never say anything you don't want to see in print or broadcast. However, should you decide to say something "on background" or even "off the record," clearly indicate the rules for that portion of the interview before you put on a microphone and be sure the interviewer agrees you are "on background" or "off the record" first. Otherwise, you are still "on the record."

★ **Language**
Remember to avoid police jargon, acronyms, and technical terms. If you need to use a law enforcement term, be sure to define it. Every member of your audience should understand your message.

★ **Arguments**
The old saying goes: "You won't win an argument with someone who buys ink by the barrel, or videotape by the case," so don't argue. By the same token, there may be times when an interviewer is confrontational, and you may need to "step up" to the situation to maintain control of the interview. Never let yourself become a passive participant in the interview process.

★ **Protect the Record**
Your credibility as a law enforcement executive depends on it, because "a lie unchallenged becomes the truth." Bad information has a way of propagating and taking on a life of its own, unless challenged. If an interviewer asks you a question based on false data, be sure to protect and correct the record. Be careful not to repeat the false data yourself and to avoid any negative or emotionally charged statements. Don't let a damaging story gather credibility or extra weight by letting the falsehood come from your own lips.

★ **Honesty**
Always answer honestly, but never say, "No comment." If you don't know the answer to a question, if the answer is classified, invades someone's privacy, or would compromise an ongoing investigation, it's ok to say so. Answer honestly and, in doing so, bridge to one of your prepared messages.

Communication: A Vital Mission

Remember, communication is a crucial part of every officer's job and is even more critical for police executives. It's the only way law enforcement can develop the public support needed to perform its public functions effectively. Every media encounter is a valuable opportunity to convey who we are, what we do, and what we need to do—the job our community expects of us. Formal training in communications and working the media is available from a variety of sources, including colleges and universities. The investment in formal training can pay substantial dividends in terms of effective representation of your agency, its officers, and its programs. In addition, a Public Information Officer course directed specifically at traffic programs is available from the NHTSA. Interested parties should inquire with their regional NHTSA office.

MAINTAINING ONGOING MEDIA RELATIONSHIPS

It is essential that law enforcement organizations take the time to develop long-term relationships with their media. As with any worthwhile relationship, building a long-term relationship with the media takes a great deal of time and effort to both develop and sustain. Unless the relationship is mutually beneficial for all involved, it will fail. One key factor in ensuring that the relationship is mutually beneficial is to understand each other's needs.

Needs of the Media

"Filling the Sausage Casing," "Feeding the Beast," or *"Formatting the Rundown"* are terms used by news producers to describe the daily task of filling

pre-determined time slots with information for their viewers, listeners, or readers. Although the news of the day continually changes, the time segments allotted to report the stories remain the same. We need to remind ourselves that we are just one of the many organizations that are competing for media attention on a daily basis. Therefore, it is essential that we cater to the needs of the media by ensuring that our information is both timely and newsworthy.

Understanding the Media's Timelines – "Being Ready to Pounce"

As everyone knows, drinking and driving tragedies occur on our streets and highways every day across North America. Unfortunately, these daily tragedies have become so commonplace that the public and the media routinely let the stories of seriously or fatally injured victims of impaired driving crashes go by with little or no recognition.

The vast majority of media outlets work on their stories on a day-to-day basis. Therefore, it is essential that agencies not miss out on opportunities to speak out about these tragedies when they occur. When a tragedy takes place, media outlets will need to speak to a spokesperson immediately, not tomorrow. If the goal is to keep your message alive all year round, then it is essential that we have a game plan in place to deal with these potential "opportunities" when they become available. Potential spokes-persons must be ready to go with prepared messages. Although the time, location, and victims change from crash to crash, the "Don't Drink and Drive" message remains the same.

Thinking Outside of the Podium – Customizing the News Conference

Media reporters require three main ingredients to tell any story—*images, sound, and people.* Holding a news conference in a sterile media gallery may be easy to organize, but it may not get the media coverage desired. Our organizations must be willing to think creatively if we truly want to obtain coverage. Visiting a crash scene on an anniversary date, having a family member (if they are willing) and/or the investigating officer present to speak with the media, or hosting a news conference at a local school to launch a "Safe Grad" initiative are just a few examples of different ways to present a story.

Call Ahead

There are several ways to notify the media about a news conference or other event, including a phone call, email, fax, and/or media advisory (a one-page document that includes the who, what, when, where, and why of the event). Consider using several means of contact, since the media are so busy and are tracking so many stories simultaneously. After sending out the media advisory, someone with media experience should contact each media outlet to ensure they have received the invitation and to provide a ten-second pitch about why they should cover the story. This is also an excellent opportunity to advise them of the importance of the event being covered and/or what extra steps have been taken to make their jobs easier (e.g., spokespersons being made available, visuals, statistics being made available, etc.).

Placing the Story

On the day of an event or announcement, a news release may be needed to make the media's job easier. Part of good media relations is understanding how the media requires information to be sent to them. The news release should be timed for distribution to all media and available online at the same time as the announcement. For those media that do not attend, you can send them the news release and available press kit, with all the necessary story elements, and follow up by phone to make sure they understand the significance of the news and how it fits in the big picture, aka, "why they should care."

Impaired Driving Law Enforcement Message

The following is a list of some of the traditional events that can be used to keep the impaired driving law enforcement message alive all year round:

- ★ Super Bowl Sunday
- ★ St. Valentine's Day (What says "love" more than being a Designated Driver?)
- ★ St. Patrick's Day
- ★ Memorial Day and other holiday weekends
- ★ Halloween
- ★ Cultural events in your city where alcohol is involved (e.g., Octoberfest)
- ★ Athletic Event Tailgate Parties—Set up "spot checks" in immediate area and let them know ahead of time
- ★ "Safe Grad"
- ★ Red Ribbon Campaigns in November/December
- ★ Anniversary dates—especially in local high pro-file cases
- ★ Auto Shows/Classic Car Shows—Set up drinking/ driving information booths

Each year, someone dies in an alcohol-related motor vehicle crash every 31 minutes and someone is injured every two minutes.

Source: NHTSA 2005

Many traffic safety partners, including MADD and NHTSA regional offices, provide template media materials that can be valuable to law enforcement.

INTERNET RESOURCES

Internet technology has brought an unprecedented amount of information to the fingertips. Information that not long ago required a staff to research, decipher, and maintain can now be had by anyone with minimal effort. Access to information to communicate your missions and programs to your officers and the public alike is just a few mouse clicks away.

While Internet searches can provide volumes of information to assist you in your communications efforts, key Web sites have been designed specifically for this purpose. ***Appendix B*** of this document includes a list of Internet sites that provide valuable statistics, training, and other materials to assist law enforcement in developing a comprehensive and effective impaired driving enforcement program.

Summing it up...

- ★ *Use communications strategies year-round to publicize law enforcement priorities, develop public support, and publicize enforcement activities.*
- ★ *Use clear and concise messages about strict impaired driving enforcement.*
- ★ *Combine publicity with actual high visibility enforcement to create a synergistic effect.*
- ★ *Increase publicity by seeking earned media coverage before, during, and after law enforcement operations (to announce them, increase their visibility, and publicize the results).*
- ★ *Develop long-term relationships with the media.*

CONCLUSION

We know how to solve the impaired driving problem. The question is, do we have the resolve to do so? With the necessary resolve and by applying the leadership, partnerships and communications strategies outlined herein, law enforcement can be a significant part of the solution.

The fact is, North America will have the impaired driving problem it chooses to have. We cannot accept the moderate gains we have achieved during the past several years. We must do more, we must start now, and we must do so together.

Toward this end, it is the sincere hope of the Impaired Driving Subcommittee that law enforcement executives utilize the IACP Resolution (calling for a Renewed Effort to Eliminate Impaired Driving) and this Guidebook as source documents in strategic planning and efforts to eliminate impaired driving.

Every law enforcement agency should take full advantage of known best practices—including sobriety checkpoints, saturation patrols, and other aggressive, high-visibility enforcement—to work vigorously toward the elimination of impaired driving.

AFTERWORD

One thousand hard copies of this publication were printed and distributed at the IACP Highway Safety Committee's annual meeting in October 2006. This publication has also been posted on many Web sites, including:

- International Association of Chiefs of Police www.iacp.org
- Mothers Against Drunk Driving www.madd.org
- National Highway Traffic Safety Administration www.nhtsa.dot.gov
- Governors Highway Safety Association www.ghsa.org/
- National Sheriffs' Association www.sheriffs.org/

A letter has also been sent to every state's highway safety office, encouraging a media release and press conference be considered to publicize the state's renewed effort to eliminate impaired driving. Don't wait to hear from your State Highway Safety Office—contact them.

Comments or suggestions for inclusion in possible future updates to this Guidebook should be sent to:

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ENDNOTES

[1]Taylor, Dexter; Miller, Ted; and Cox, Kenya. "Impaired Driving in the United States Cost Fact Sheets." (Washington, DC: National Highway Traffic Safety Administration, 2002). http://www.nhtsa.dot.gov/people/injury/alcohol/impaired_driving_pg2/US.htm

[2]George L. Kelling, Catherine M. Coles (Contributor), James Q. Wilson, Fixing Broken Windows: Restoring Order and Reducing Crime in Our Communities (Free Press, 1996).

[3]See Gladwell, Malcolm, The Tipping Point: How Little Things Make a Big Difference, (2000)].

[4]M. Durose, E. Schmitt, and P. Langan, Contacts between Police and the Public: Findings from the 2002 National Survey (Bureau of Justice Statistics April 2005). http://www.ojp.usdoj.gov/bjs/pub/pdf/cpp02.pdf

[5]The first photo on the cover is of an Accountability Driven Leadership process conducted by the Washington State Patrol (called the "Strategic Advancement Forum" and modeled after the New York Police Department Compstat process). On the first Friday of each month, every district commander (captain) in the state comes to headquarters to report to the executive staff on core mission activities. The first of the four core mission areas is traffic law enforcement (primarily DUI, Speed, Aggressive Driving, and Seat Belt enforcement). Commanders report on these activities as well as the number of fatality and injury collision patterns and trends. These commanders conduct similar forums in their districts with their lieutenants and sergeants.

[6]IACP Highway Safety Deskbook, http://www.nhtsa.dot.gov/people/injury/enforce/deskbk.html

[7]Reduction in Alcohol-Related Traffic Fatalities—United States, 1990-1992, 271 J. A.M.A. 99 (January 23, 1994).

[8]See Duncan v. Cone, 2000 U.S. App. LEXIS 33221 (6th Cir. 2000); Smelser v. Troutdale, 2000 U.S. App. LEXIS 16134 (9th Cir. 2000); Roberts v. State, 2000 U.S. App. LEXIS 22753; 2000 Colo. J. C.A.R. 5225 (10th Cir. 2000); John Doe No. 1 v. Ga. Dep't of Pub. Safety, 147 F. Supp. 2d 1369 (U.S.D.C. N. D. Ga. 2001); McFarland v. Mackey, 1988 U.S. Dist. LEXIS 15638 (U.S.D.C. Mass. 1988); Flatt v. Miller, 1996 U.S. Dist. LEXIS 1883 (U.S.D.C. W. D. Mich. 1996); League of United Latin Am. Citizens v. Bredesen, 2004 U.S. Dist. LEXIS 26507 (U.S.D.C. M. D. Tn. 2004); Wells v. Malloy, 402 F. Supp. 856 (U.S.D.C. Vt. 1975).

APPENDIX A – Resolution

HIGHWAY SAFETY:
A RENEWED EFFORT TO ELIMINATE ALCOHOL AND DRUG IMPAIRED DRIVING
Submitted by the Highway Safety Committee

WHEREAS, public safety is the highest priority of the U.S. Department of Transportation, Transport Canada, and law enforcement agencies; and

WHEREAS, the best efforts of law enforcement and other government agencies and private organizations have made significant gains in the past in reducing impaired driving; and

WHEREAS, according to the National Highway Traffic Safety Administration (NHTSA), in 2005, 16,972 people were killed in crashes involving alcohol, representing 39% of the 43,200 people killed in all traffic crashes, representing a 1.7% increase over the previous year; and

WHEREAS, research indicates the effect of drugs, alone, or in combination with alcohol, contribute significantly to the number of fatal and injury crashes; and

WHEREAS, law enforcement officers experience firsthand the devastating emotional, mental, and physical effects of impaired driving; and

WHEREAS, research has shown strong and effective laws combined with highly visible enforcement not only reduces impaired driving, but also reduces other crimes as well; and

WHEREAS, there are many strategies that can and should be deployed in our fight against impaired driving; and

WHEREAS, the IACP encourages allied organizations, both public and private, to work cooperatively with law enforcement to eliminate impaired driving; and

WHEREAS, the IACP encourages all other components of the criminal justice system, including prosecutors and the judiciary, to work cooperatively to eliminate impaired driving; and

WHEREAS, the IACP urges SACOP to encourage their member agencies to consistently participate in aggressive high visibility impaired driving enforcement; and

WHEREAS, according to NHTSA, sustained high visibility law enforcement is clearly the best strategy for reducing impaired driving; now, therefore be it

RESOLVED, that the International Association of Chiefs of Police, duly assembled at its 113th Annual Conference in Boston, Massachusetts, supports a renewed effort for every law enforcement agency to take full advantage of known best practices, in particular aggressive high visibility enforcement, to work vigorously toward the elimination of impaired driving; and be it

FURTHER RESOLVED, that the IACP supports the use of the IACP Highway Safety Committee Impaired Driving Subcommittee "Impaired Driving Guidebook: Three Keys to Renewed Focus and Success" as a resource tool in our effort to eliminate impaired driving.

APPENDIX B – Internet Resources for Impaired Driving

American Association of Motor Vehicle Administrators: www.aamva.org/

The American Association of Motor Vehicle Administrators is a tax-exempt, non-profit organization striving to develop model programs in motor vehicle administration, police traffic services, and highway safety. AAMVA represents the state and provincial officials in the United States and Canada who administer and enforce motor vehicle laws. The association's programs encourage uniformity and reciprocity among the states and provinces, and liaisons with other levels of government and the private sector. Its program development and research activities provide guidelines for more effective public service.

BACCHUS and GAMMA Peer Education Network: www.friendsdrivesober.org

The BACCHUS and GAMMA Peer Education Network is an international association of college and university based peer education programs focusing on alcohol abuse prevention and other related student health and safety issues.

The Century Council: www.centurycouncil.org

The Century Council is a national organization dedicated to reducing drunk driving and underage drinking problems. Funded by America's leading distillers, the Council implements its programs through partners to create local coalitions of people, including liquor store owners, police officers, college presidents, beverage alcohol distributors, parents, youth, and others, depending on the needs of individual communities.

Governors Highway Safety Association: www.ghsa.org/

The Governors Highway Safety Association is a non-profit association that represents the highway safety programs of states and territories on the "human behavioral aspects" of highway safety. Areas of focus include occupant protection, impaired driving, and speed enforcement, as well as motorcycle, school bus, pedestrian, and bicycle safety, and traffic records.

Insurance Institute for Highway Safety: www.iihs.org

The Insurance Institute for Highway Safety is an independent, non-profit, scientific and educational organization dedicated to reducing the losses---deaths, injuries, and property damage---from crashes on the nation's highways. Impaired driving is one of the many human behaviors the institute studies.

International Association of Chiefs of Police: www.theiacp.org/

The International Association of Chiefs of Police is the world's oldest and largest non-profit membership organization of police executives, with over 20,000 members in over 89 different countries. IACP's leadership consists of the operating chief executives of international, federal, state, and local agencies of all sizes.

Mothers Against Drunk Driving: www.madd.org

Mothers Against Drunk Driving is a non-profit grass-roots organization with more than 600 chapters nationwide. MADD is not a crusade against alcohol consumption. Its focus is to look for effective solutions to the drunk driving and underage drinking problems, while supporting those who have already experienced the pain of these senseless crimes.

Mothers Against Drunk Driving: www.madd.ca

Mothers Against Drunk Driving, Canada.

National Association of State Judicial Educators DUI Resource Center: www.nasje.org/

The purpose of this site is to help state and local judges and judicial educators find useful and current resources for handling cases or providing judicial training on impaired driving and other traffic safety issues. The site offers judges access to articles, benchbooks, protocols, and other resources for understanding the nature and impacts of impaired driving, and for reviewing the admissibility of field sobriety and chemical tests, conducting DUI trials, imposing sentences or treatment programs, and handling other proceedings.

National Commission Against Drunk Driving: www.ncadd.com/

The National Commission Against Drunk Driving consists of a broad-based coalition of public and private sector organizations and other concerned individuals who are working together to reduce impaired driving and its tragic consequences.

National District Attorneys Association: www.ndaa.org/apri/programs/traffic/ntlc_home.html

The National District Attorneys Association's National Traffic Law Center (NTLC) is a resource designed to benefit prosecutors and their traffic safety partners. The mission of the NTLC is to improve the quality of justice in traffic safety adjudications by increasing the awareness of highway safety issues, with an emphasis on impaired driving, through the compilation, creation, and dissemination of legal and technical information and by providing training, technical assistance, and reference services to prosecutors and other allied professionals.

National Drug Court Institute: www.ndci.org

After a decade of success with Drug Courts, a new strategy is emerging that utilizes the Drug Court model with impaired drivers, particularly with repeat offenders. DWI (or DUI) Court is a distinct court system dedicated to changing the behavior of the alcohol-dependant offenders arrested for Driving While Impaired (DWI) or Driving Under the Influence (DUI).

APPENDIX B – Internet Resources for Impaired Driving

DWI/DUI Courts utilize all criminal justice stakeholders (judge, prosecutors, defense attorneys, probation, law enforcement, and others) coupled with alcohol or drug treatment professionals to hold offenders at the highest level of accountability while receiving long-term, intensive treatment and compliance monitoring.

National Highway Traffic Safety Administration: www.nhtsa.dot.gov

The National Highway Traffic Safety Administration has a network of regional Law Enforcement Liaison (LEL) officers covering all 50 states and territories. The LEL officer is responsible for providing support and information to state and local departments on all NHTSA programs and initiatives. For a complete list of the current NHTSA LELs, see the posting on the Library page at **www.SobrietyTesting.org**.

National Highway Traffic Safety Administration: www.stopimpaireddriving.org

An NHTSA Web site dedicated specifically for law enforcement of impaired driving laws. The site includes a calendar of national events relative to impaired driving enforcement campaigns.

National Institute on Alcohol Abuse and Alcoholism: www.niaaa.nih.gov/

The National Institute on Alcohol Abuse and Alcoholism provides leadership in the national effort to reduce alcohol-related problems by conducting and supporting research in a wide range of scientific areas including genetics, neuroscience, epidemiology, health risks and benefits of alcohol consumption, prevention, and treatment; coordinating and collaborating with other research institutes and federal programs on alcohol-related issues; collaborating with international, national, state, and local institutions, organizations, agencies, and programs engaged in alcohol-related work; and translating and disseminating research findings to health care providers, researchers, policymakers, and the public.

National Sheriffs' Association: www.sheriffs.org/

The National Sheriffs' Association is a non-profit organization dedicated to raising the level of professionalism among those in the criminal justice field. Through the years, NSA has been involved in numerous programs to enable sheriffs, their deputies, chiefs of police, and others in the field of criminal justice to perform their jobs in the best possible manner and to better serve the people of their city/counties or jurisdictions.

National Sobriety Testing Resource Center: www.sobrietytesting.org

Provides a comprehensive source of information regarding standardized field sobriety testing, training, and certification for authorized and active law enforcement practitioners and instructors. The NSTRC is a cooperative effort of the National Highway Traffic Safety Administration (NHTSA) of the U.S. Department of Transportation and the International Association of Directors of Law Enforcement Standards and Training (IADLEST).

National Transportation Safety Board: www.ntsb.gov/

The National Transportation Safety Board is one of the world's foremost accident investigation agencies. Their job is to find out what causes transportation accidents, and to recommend safety improvements to prevent them from recurring. Impaired driving is one of the NTSB's focus areas. NTSB can and frequently does testify before state legislative committees as long as the Board has a recommendation on the subject.

Recording Artists, Actors, and Athletes Against Drunk Driving: www.radd.org

RADD works with celebrities to promote sober driving. With over 400 members, RADD asks celebrities to record PSAs and other promotional materials emphasizing alternatives and sober driving.

Students Against Destructive Decisions: www.sadd.org

SADD is a program that was developed to encourage students and parents to band together in the fight against drinking and driving. Financial support from the public and from private sectors has allowed SADD to spread to all 50 states, Canada, and beyond.

Traffic Injury Research Foundation: www.trafficinjuryresearch.com/index.cfm

The mission of the Traffic Injury Research Foundation is to reduce traffic-related deaths and injuries. It achieves its mission by designing, promoting, and implementing effective programs and policies, based on sound research.

Underage Drinking Enforcement Training Center: www.udetc.org

Funded by the Office of Juvenile Justice and Delinquency Prevention, the Center for Enforcing Underage Drinking Laws provides training, technical assistance, and resource materials to states and communities as they implement the Enforcing Underage Drinking Laws national initiative.

APPENDIX C – Potential Partners

Potential Partners and Collaborations[1]

Potential National Organizations and Associations

Law Enforcement	Prosecution	Research	Treatment	Toxicology	Highway Safety Organizations
APPA	ABA	IIHS	NADCP	IACT	AAMVA
CALEA	NAPC	NIAAA	NDCI	ICADTS	AASHTO
IACP	NASJE	NTSB		SOFT	ACEP
IADLEST	NBPA	TIRF			AMA
NASRO	NDAA	TRB			COAD
NLLEA	NJC				CVSA
NLPOA	TIRF				GHSA
NOBLE					MADD
NSA					NCADD
NSTRC					NETS
NTLC					NHTSA
SACOP					PTA

There are also a number of private entities that conduct alcohol and/or drug-related research or provide grant funding for research, prevention, deterrence, or enforcement. These organizations may also be valuable partners in our effort to curb drunk driving.

Potential Federal Agency Partners

BJA	CDC	FMCSA	FHWA	NHTSA	NIAAA
NTSB	ONDCP				

Potential State Agencies and Other Partners

Alcohol beverage control authorities	Attorney General's Office	Breath testing program manager	Chamber of Commerce	Governor/ State Highway Safety Office	Judicial liaison(s)
Judges	Legislators	MADD	Media	Police chiefs (state organization)	Police union(s)
Prosecuting attorneys (state organization)	Sheriffs (state organization)	State police or highway patrol	TSRP	Representatives from local partnerships	Universities and colleges

[1] See ***Appendix D*** for the listed organizations' full names.

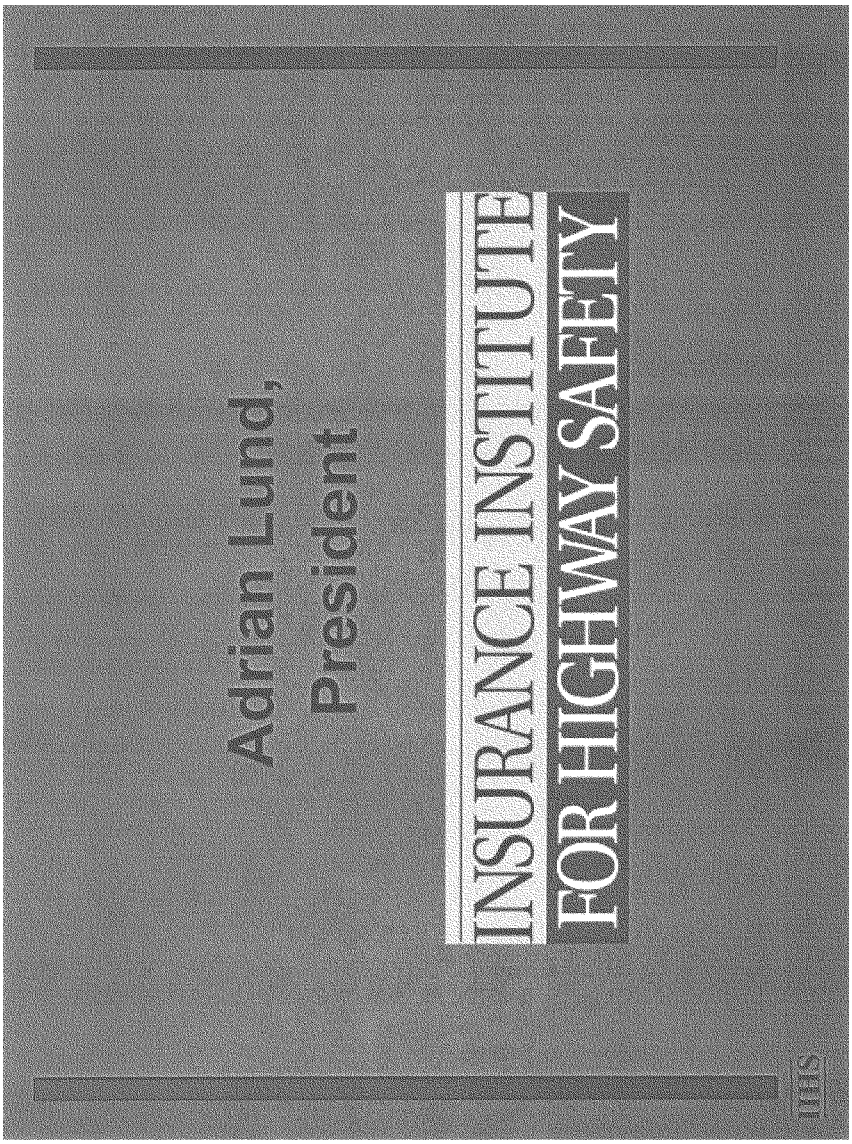
APPENDIX C – Potential Partners

Potential Local Partners

Alcohol beverage control authorities	Alcohol beverage distributors	Alcohol and drug coalitions	Chamber of Commerce	Community colleges	Faith community
Health department	Impaired driving coalitions	Insurance companies	MADD	Mayors/ Managers	Media
Minority community/ diverse organizations	Police chiefs	Police unions	Prosecuting attorneys' office	PTA	Safe Communities
Sheriffs	Schools	Tribes			

APPENDIX D – Acronym Key

AAA	America Automobile Association
AAMVA	American Association of Motor Vehicle Administrators
AASHTO	American Association of State Highway Transportation Officials
ABA	American Bar Association
ACEP	American College of Emergency Physicians
AMA	American Medical Association
APPA	American Probation and Parole Association
BJA	Bureau of Justice Assistance
CALEA	Commission on Accreditation for Law Enforcement Agencies
CDC	Center for Disease Control and Prevention
COAD	The National Safety Council's Committee on Alcohol and Other Drugs
CVSA	Commercial Vehicle Safety Alliance
DOJ	Department of Justice
DOT	Department of Transportation
FACT	Fatal Crash Teams
FARS	Fatal Analysis Reporting System
FBI	Federal Bureau of Investigation
FHWA	Federal Highway Administration
FMCSA	Federal Motor Carrier Safety Administration
GHSA	Governors Highway Safety Association
IACP	International Association of Chiefs of Police
IACT	International Association for Chemical Testing
IADLEST	International Association of Directors of Law Enforcement Standards and Training
ICADTS	International Council on Alcohol, Drugs and Traffic Safety
IIHS	Insurance Institute for Highway Safety
IPTM	Institute of Police Technology and Management
MADD	Mothers Against Drunk Driving
NADCP	National Association of Drug Court Professionals
NAPC	National Association of Prosecutor Coordinators
NASJE	National Association for State Judicial Educators
NASRO	National Association of School Resource Officers
NBPA	National Black Prosecutors Association
NCADD	National Commission Against Drunk Driving
NDAA	National District Attorneys Association
NDCI	National Drug Court Institute
NETS	Network of Employers for Traffic Safety
NHTSA	National Highway Traffic Safety Administration
NIAAA	National Institute on Alcohol Abuse and Alcoholism
NJC	National Judicial College
NLLEA	National Liquor Law Enforcement Association
NLPOA	National Latino Police Officers Association
NOBLE	National Organization of Black Law Enforcement Executives
NSA	National Sheriffs' Association
NSTRC	National Sobriety Testing Resource Center
NTLC	National Traffic Law Center
NTSB	National Transportation Safety Board
ONDCP	Office of National Drug Control Policy
PTA	Parent Teacher Association
SACOP	State Association of Chiefs of Police
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
SHSO	State Highway Safety Office
SHSP	Strategic Highway Safety Plan
SOFT	Society of Forensic Toxicologists
TAC	Technical Advisory Committee on DUI Enforcement and Prosecution
TIRF	Traffic Injury Research Foundation
TRB	Transportation Research Board
TSRP	Traffic Safety Resource Prosecutor


Adrian Lund,
President
INSURANCE INSTITUTE
FOR HIGHWAY SAFETY
IIHS

"Advocates of the 21 year-old drinking age have long argued that the decrease in fatalities was a result of the lowered drinking age but cannot offer a cause and effect relationship."
-www.chooseresponsibility.org
IIHS

Status Report, April 9, 1974

IIHS

3

...ceivably encountered with the 50th percentile surrogate." ... an adult size test dummy ... "in sled tests at 50 miles per hour are considered advisable by the contractor."

• DOT has tested with human volunteers, a passive "advanced belt restraint system" developed by Takata-Kenyo Co., Ltd. The "dynamic human volunteer test runs" were at 12.5 and 25 miles per hour. DOT said: "the volunteer has sustained no injuries and will probably volunteer to ride again at 27.5 miles per hour. These runs are the highest injury-free tests ever attained by human volunteers restrained by automotive type lap and shoulder belts."

• Under still another DOT contract (DOT HS-053-3-568), Calspan Corp. has developed a system that combines air bags and "collapsible" energy-managing dashboards. As described by Calspan in a "final report" published last month, the energy-managing "collapsible panel section of the restraint system provides adequate protection for an occupant sled-tested from 50 pounds at impact speeds up to at least 20 miles per hour without the necessity of deploying the air bag.

"The restraint system performance is generally satisfactory in sustaining a 95th percentile male in a 25 mile per hour frontal impact. Somewhat better performance was achieved in protecting a 50 pound child (6 year old) and a 30th percentile male at speeds of 40 and 30 miles per hour, respectively."

Lowered Drinking Age Brings Increased Highway Deaths

State laws reducing legal minimum drinking ages to 18 years of age represent "social policy that ...

Lowered Drinking Age Brings Increased Highway Deaths

... by the ... d 6 to 18 ...

Wisconsin -- where the legal drinking age was dropped from 21 to 18 in either 1971 or 1972 -- ... ...ly and crash involvement of senior drivers in Indiana, Illinois and Minnesota -- where the legal drinking age was 21.

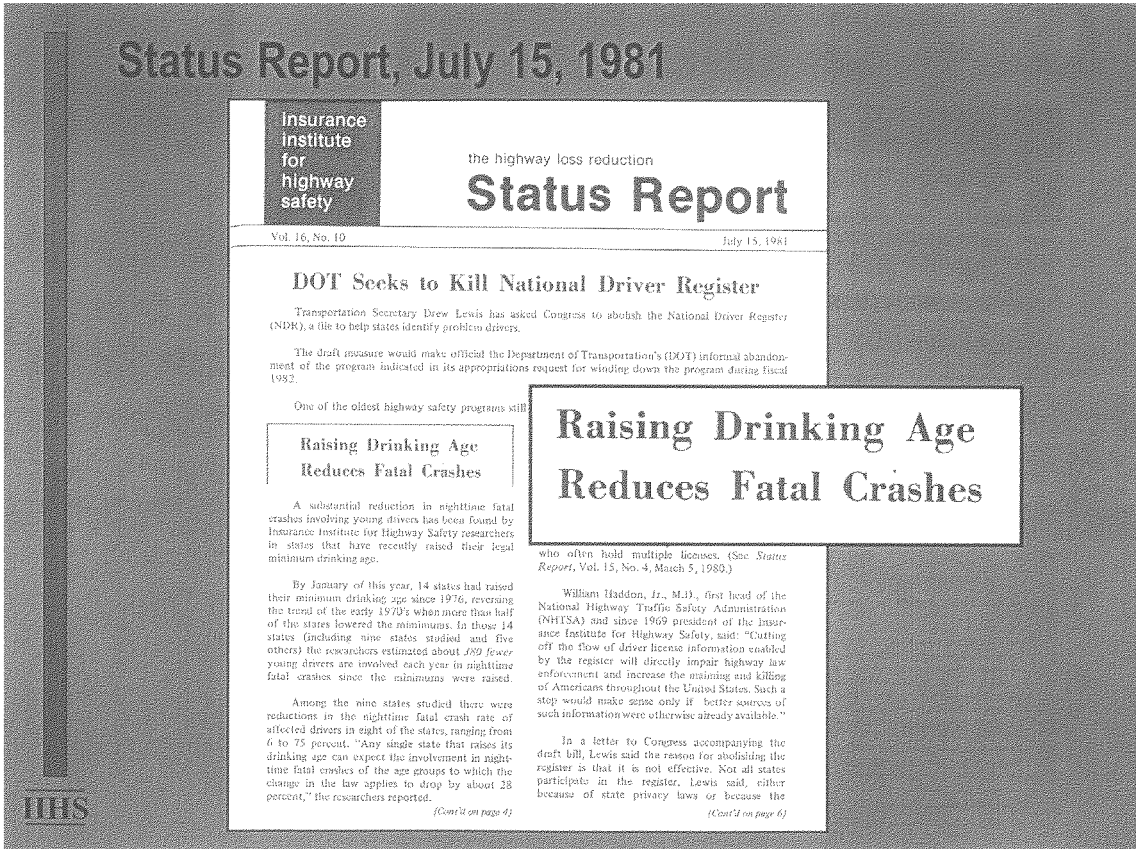
The researchers estimated that for each 100,000 of their numbers in the population, 18-20 year-olds were involved in 2.6 to 3.3 more fatal crashes in the first year after the legal drinking age was lowered than would have been expected from past experience.

"The estimated number of 18-20 year-olds involved in fatal crashes, in the year after the legal minimum drinking age was reduced, that would not have occurred had the law not changed, was approximately 19 in Michigan, 26 in Indiana and 13 in Wisconsin," the researchers said.

In studying the effects of lowering the legal drinking age, the researchers found "a significant increase in involvement in fatal crashes of drivers under 21 in areas that changed the law, particularly in nighttime and single vehicle crashes whose alcohol is most often involved."

Only one state -- Wisconsin -- had "adequate data on blood alcohol concentration in fatally injured drivers." In these data the researchers found that "almost half (48 per cent) of the 15-17 year-olds and

Status Report *April 9, 1974*


Status Report, July 15, 1981
insurance institute for highway safety
the highway loss reduction
Status Report
Vol. 16, No. 10
July 15, 1981
DOT Seeks to Kill National Driver Register
Transportation Secretary Drew Lewis has asked Congress to abolish the National Driver Register (NDR), a file to help states identify problem drivers.
The draft measure would make official the Department of Transportation's (DOT) informal abandonment of the program indicated in its appropriations request for winding down the program during fiscal 1982.
One of the oldest highway safety programs still
Raising Drinking Age Reduces Fatal Crashes
A substantial reduction in nighttime fatal crashes involving young drivers has been found by Insurance Institute for Highway Safety researchers in states that have recently raised their legal minimum drinking age.
By January of this year, 14 states had raised their minimum drinking age since 1976, reversing the trend of the early 1970's when more than half of the states lowered the minimums. In those 14 states (including nine states studied and five others) the researchers estimated about 300 fewer young drivers are involved each year in nighttime fatal crashes since the minimums were raised.
Among the nine states studied there were reductions in the nighttime fatal crash rate of affected drivers in eight of the states, ranging from 6 to 75 percent. "Any single state that raises its drinking age can expect the involvement in nighttime fatal crashes of the age groups to which the change in the law applies to drop by about 28 percent," the researchers reported.
(Cont'd on page 4)
who often hold multiple licenses. (See Status Report, Vol. 15, No. 4, March 5, 1980.)
William Haddon, Jr., M.D., first head of the National Highway Traffic Safety Administration (NHTSA) and since 1969 president of the Insurance Institute for Highway Safety, said: "Cutting off the flow of driver license information enabled by the register will directly impair highway law enforcement and increase the maiming and killing of Americans throughout the United States. Such a step would make sense only if better sources of such information were otherwise already available."
In a letter to Congress accompanying the draft bill, Lewis said the reason for abolishing the register is that it is not effective. Not all states participate in the register, Lewis said, either because of state privacy laws or because the
(Cont'd on page 6)
Raising Drinking Age Reduces Fatal Crashes
IIHS

Protecting Company Car Drivers

Fleet Buyers Get Latest Facts and Figures

More than 200 risk managers and fleet administrators attended a day-long Capitol Hill meeting on Dec. 11 to discuss the latest advances in automatic restraints and their availability for company automobiles.

The meeting was sponsored by the Insurance Institute for Highway Safety, together with the National Safety Council and the National Association of Governors' Highway Safety Representatives.

"For the first time," noted Brian O'Neill, Institute president, "a number of car manufacturers are beginning to put air bags and other automatic protection in their new cars. Next year, every manufacturer will be offering automatic crash protection — air bags or automatic belts — on some of their models. So now is the time to seriously consider a policy of buying cars with automatic restraints in order to better protect your company employees."

Sen. Jack Danforth, Missouri Republican, talked of the tragic experience of his niece who was hit by a car nine years ago. A high school senior, she had just been accepted by St. Lawrence University. She lay in a coma for a month

Lautenberg: There can be a profound effect.

Study of States Shows Raising of Drinking Age Reduces Fatal Crashes

Danforth's presentation was followed by a panel of public and private sector experts who discussed the importance of motor vehicle occupant safety in achieving corporate safety goals. Next, automobile company representatives discussed the availability and costs of air bags and automatic belts. After a noon address by Sen.

(Cont'd on Page 2)

Study of States Shows Raising of Drinking Age Reduces Fatal Crashes

State laws that have raised the alcohol purchase age since 1975 have resulted in 13 percent fewer nighttime fatal driver crash involvements of youthful drivers covered by the laws, report researchers from the Massachusetts Institute of Technology and the Insurance Institute for Highway Safety.

Based on 26 states that had raised their minimum purchase age during the study period — a much larger number of states than studied previously — the study con-

(Cont'd on Page 7)

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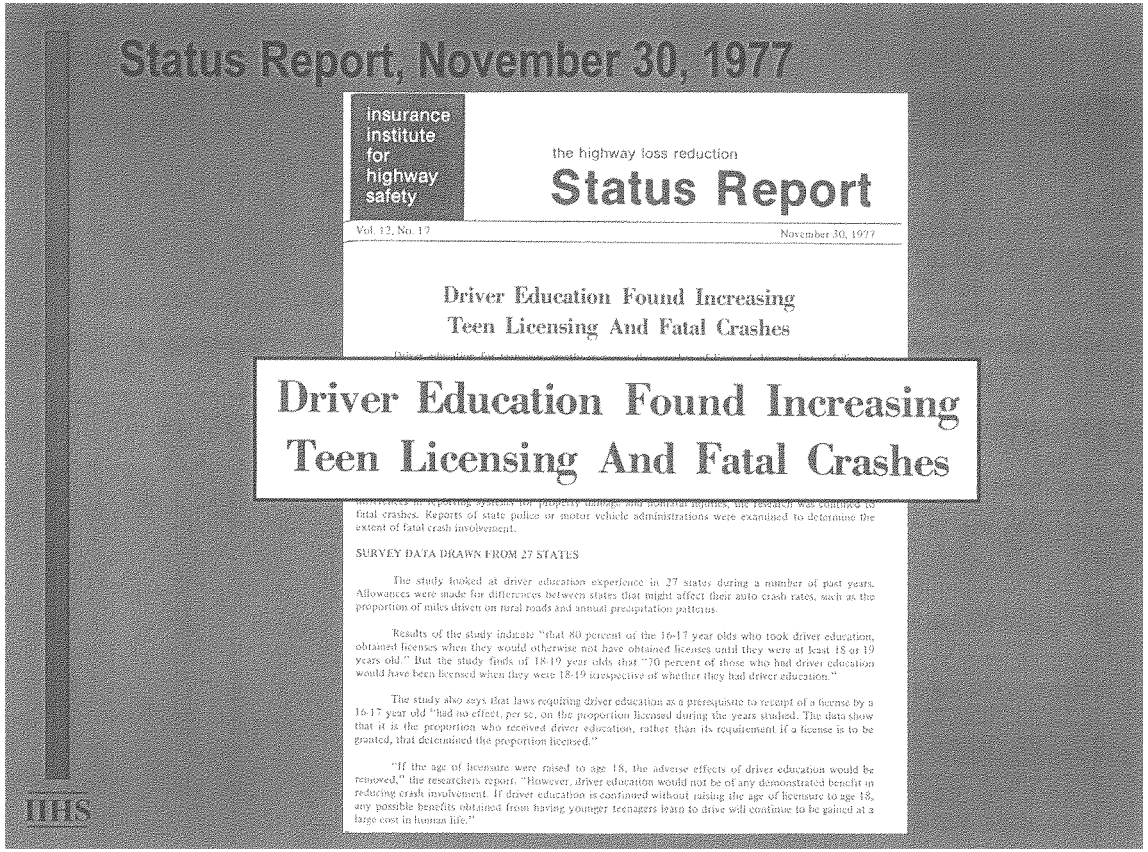
CDC review of evidence regarding interventions to reduce alcohol-impaired driving
Shults et al., 2001
Lowered MLDA
Regression Estimates (for Raised MLDA)
Raised MLDA
Smith, 86
Smith, 86
Smith, 86
Brown, 81
Ferreira, 76
Williams, 75
Whitehead, 75
Nasr, 75
Dee, 99
Voas, 99
Ruhm, 96
Chaloupka, 93
Saffer, 89
Saffer, 87b
Saffer, 87a
DuMouchel, 87
Cook, 84
Figlio, 95
Durant, 93
O'Malley, 91
Legge, 90
Womble, 89
Decker, 88
Lillis, 87
Wagenaar, 86b
Wagenaar, 86a
Males, 86
Hoskin, 86
Wagenaar, 83
Williams, 83
Hingson, 83
Median = +10%
Median = -12%
Median = -16%
-50
0
50
100
150
200
Net Percent Change (Aggregated Crash Outcomes)
IIHS

"I think we should teach young people *how* to drink as well as how *not* to drink."
-David J. Hanson, State University of New York
PARADE Magazine, August 12, 2007


Status Report, November 30, 1977
insurance institute for highway safety
the highway loss reduction
Status Report
Vol. 12, No. 17
November 30, 1977
Driver Education Found Increasing Teen Licensing And Fatal Crashes
Driver Education Found Increasing Teen Licensing And Fatal Crashes
fatal crashes. Reports of state police or motor vehicle administrations were examined to determine the extent of fatal crash involvement.
SURVEY DATA DRAWN FROM 27 STATES
The study looked at driver education experience in 27 states during a number of past years. Allowances were made for differences between states that might affect their auto crash rates, such as the proportion of miles driven on rural roads and annual precipitation patterns.
Results of the study indicate "that 80 percent of the 16-17 year olds who took driver education, obtained licenses when they would otherwise not have obtained licenses until they were at least 18 or 19 years old." But the study finds of 18-19 year olds that "70 percent of those who had driver education would have been licensed when they were 18-19 irrespective of whether they had driver education."
The study also says that laws requiring driver education as a prerequisite to receipt of a license by a 16-17 year old "had no effect, per se, on the proportion licensed during the years studied. The data show that it is the proportion who received driver education, rather than its requirement if a license is to be granted, that determined the proportion licensed."
"If the age of licensure were raised to age 18, the adverse effects of driver education would be removed," the researchers report. "However, driver education would not be of any demonstrated benefit in reducing crash involvement. If driver education is continued without raising the age of licensure to age 18, any possible benefits obtained from having younger teenagers learn to drive will continue to be gained at a large cost in human life."
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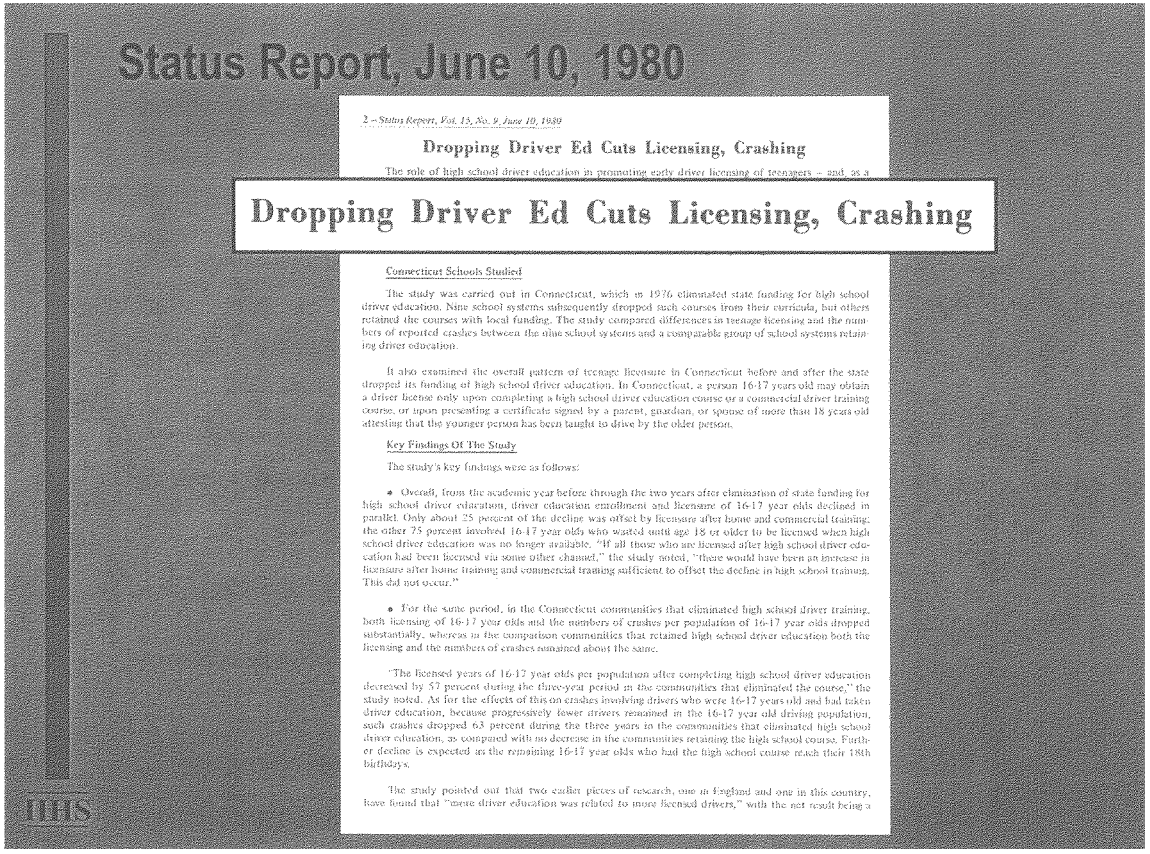
Status Report, June 10, 1980
2 – Status Report, Vol. 15, No. 9, June 10, 1980
Dropping Driver Ed Cuts Licensing, Crashing
Dropping Driver Ed Cuts Licensing, Crashing
Connecticut Schools Studied
The study was carried out in Connecticut, which in 1976 eliminated state funding for high school driver education. Nine school systems subsequently dropped such courses from their curricula, but others retained the courses with local funding. The study compared differences in teenage licensing and the numbers of reported crashes between the nine school systems and a comparable group of school systems retaining driver education.
It also examined the overall pattern of teenage licensure in Connecticut before and after the state dropped its funding of high school driver education. In Connecticut, a person 16-17 years old may obtain a driver license only upon completing a high school driver education course or a commercial driver training course, or upon presenting a certificate signed by a parent, guardian, or spouse of more than 18 years old attesting that the younger person has been taught to drive by the older person.
Key Findings Of The Study
The study's key findings were as follows:
• Overall, from the academic year before through the two years after elimination of state funding for high school driver education, driver education enrollment and licensure of 16-17 year olds declined in parallel. Only about 25 percent of the decline was offset by licensure after home and commercial training; the other 75 percent involved 16-17 year olds who waited until age 18 or older to be licensed when high school driver education was no longer available. "If all those who are licensed after high school driver education had been licensed via some other channel," the study noted, "there would have been an increase in licensure after home training and commercial training sufficient to offset the decline in high school training. This did not occur."
• For the same period, in the Connecticut communities that eliminated high school driver training, both licensing of 16-17 year olds and the numbers of crashes per population of 16-17 year olds dropped substantially, whereas in the comparison communities that retained high school driver education both the licensing and the numbers of crashes remained about the same.
"The licensed years of 16-17 year olds per population after completing high school driver education decreased by 57 percent during the three-year period in the communities that eliminated the course," the study noted. As for the effects of this on crashes involving drivers who were 16-17 years old and had taken driver education, because progressively fewer drivers remained in the 16-17 year old driving population, such crashes dropped 63 percent during the three years in the communities that eliminated high school driver education, as compared with no decrease in the communities retaining the high school course. Further decline is expected as the remaining 16-17 year olds who had the high school course reach their 18th birthdays.
The study pointed out that two earlier pieces of research, one in England and one in this country, have found that "more driver education was related to more licensed drivers," with the net result being a
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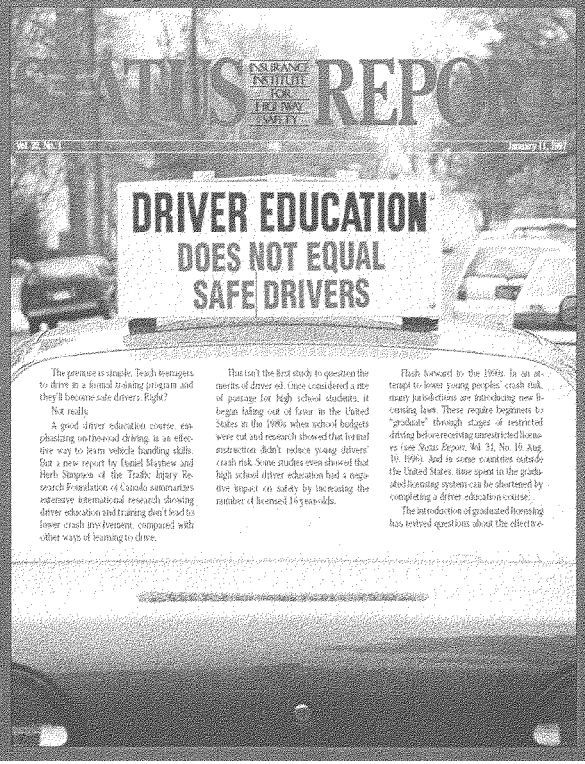
Per population crash rates of 16-17 year-olds
In Connecticut before and after driver education was
eliminated in some high schools
1975
1976
1977
0.6
0.5
0.4
0.3
0.2
0.1
0
communities eliminating high school driver education
communities retaining high school driver education
IIHS

Status Report, January 11, 1997



STATUS REPORT

INSURANCE INSTITUTE FOR HIGHWAY SAFETY

Vol. 32, No. 1 January 11, 1997

DRIVER EDUCATION DOES NOT EQUAL SAFE DRIVERS

The premise is simple. Teach teenagers to drive in a formal training program and they'll become safe drivers. Right?

Not really.

A good driver education course, emphasizing on-the-road driving, is an effective way to learn vehicle handling skills. But a new report by Daniel Mayhew and Herb Simpson of the Traffic Injury Research Foundation of Canada summarizes extensive international research showing driver education and training don't lead to fewer crash involvement, compared with other ways of learning to drive.

That isn't the first study to question the merits of driver ed. Once considered a rite of passage for high school students, it began fading out of favor in the United States in the 1980s when school budgets were cut and research showed that formal instruction didn't reduce young drivers' crash risk. Some studies even showed that high school driver education had a negative impact on safety by increasing the number of licensed 16-year-olds.

Flash forward to the 1990s. In an attempt to lower young people's crash risk, many jurisdictions are introducing new licensing laws. These require beginners to "graduate" through stages of restricted driving before receiving unrestricted licenses (see *Status Report*, Vol. 31, No. 10, Aug. 10, 1996). And in some countries outside the United States, time spent in the graduated licensing system can be shortened by completing a driver education course.

The introduction of graduated licensing has revived questions about the effective-

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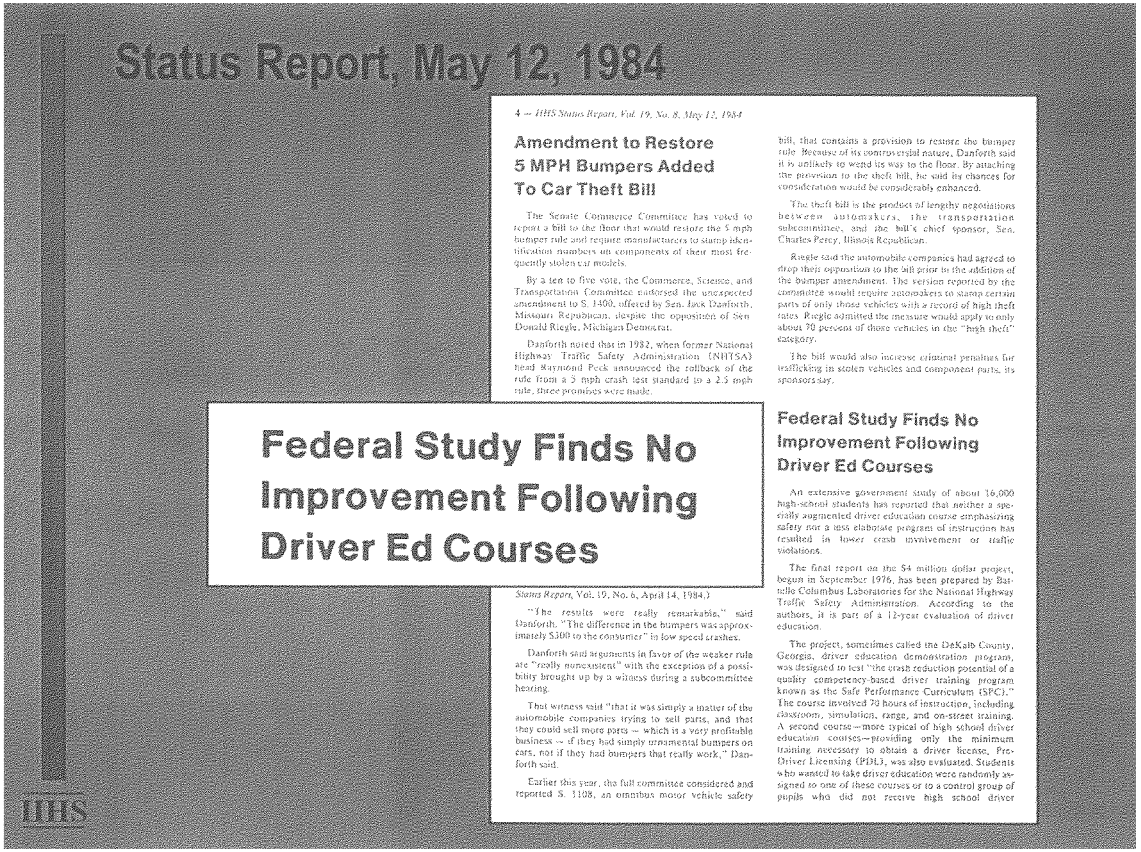
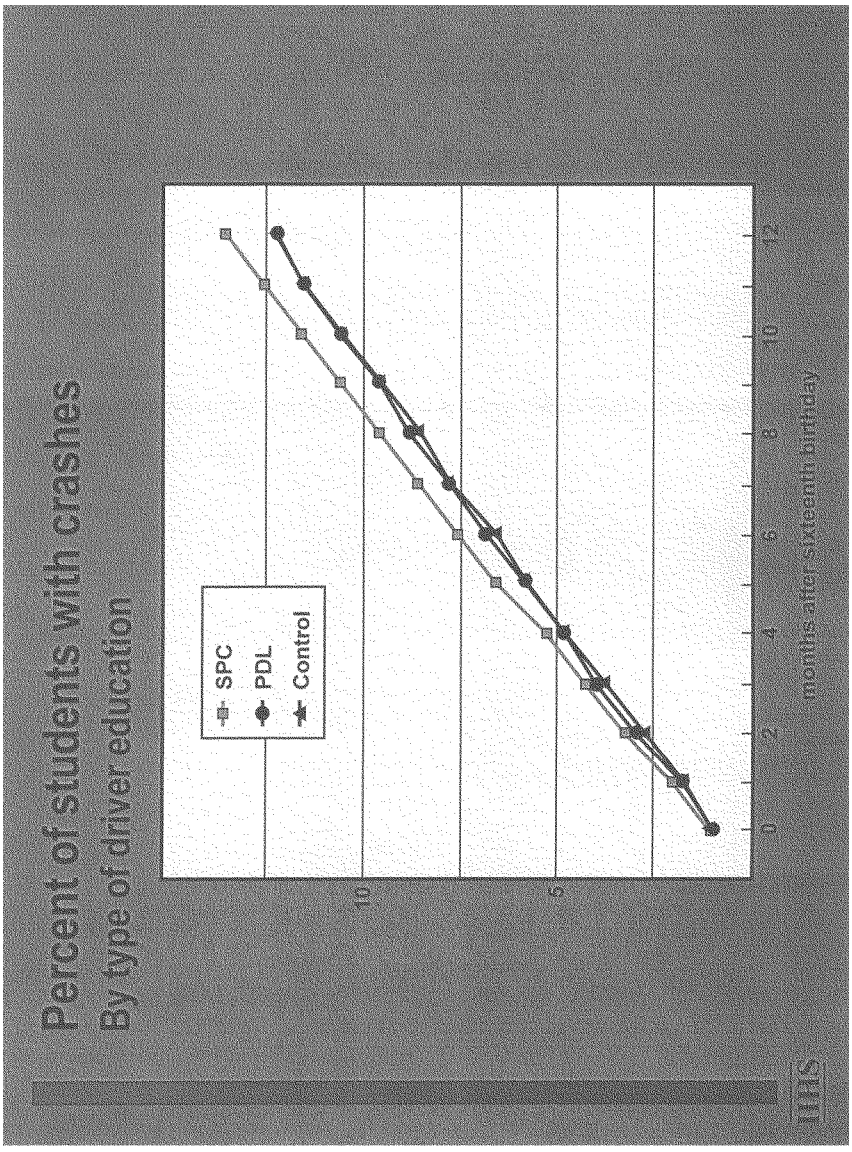
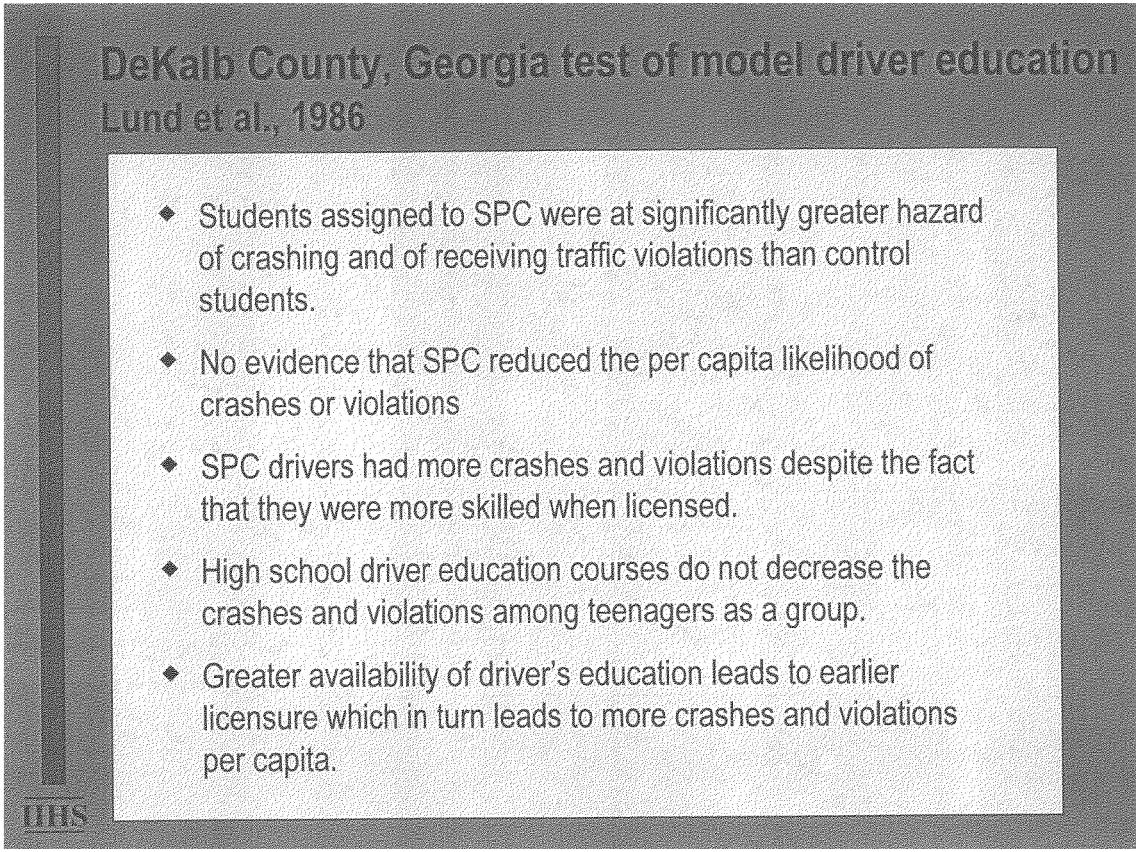
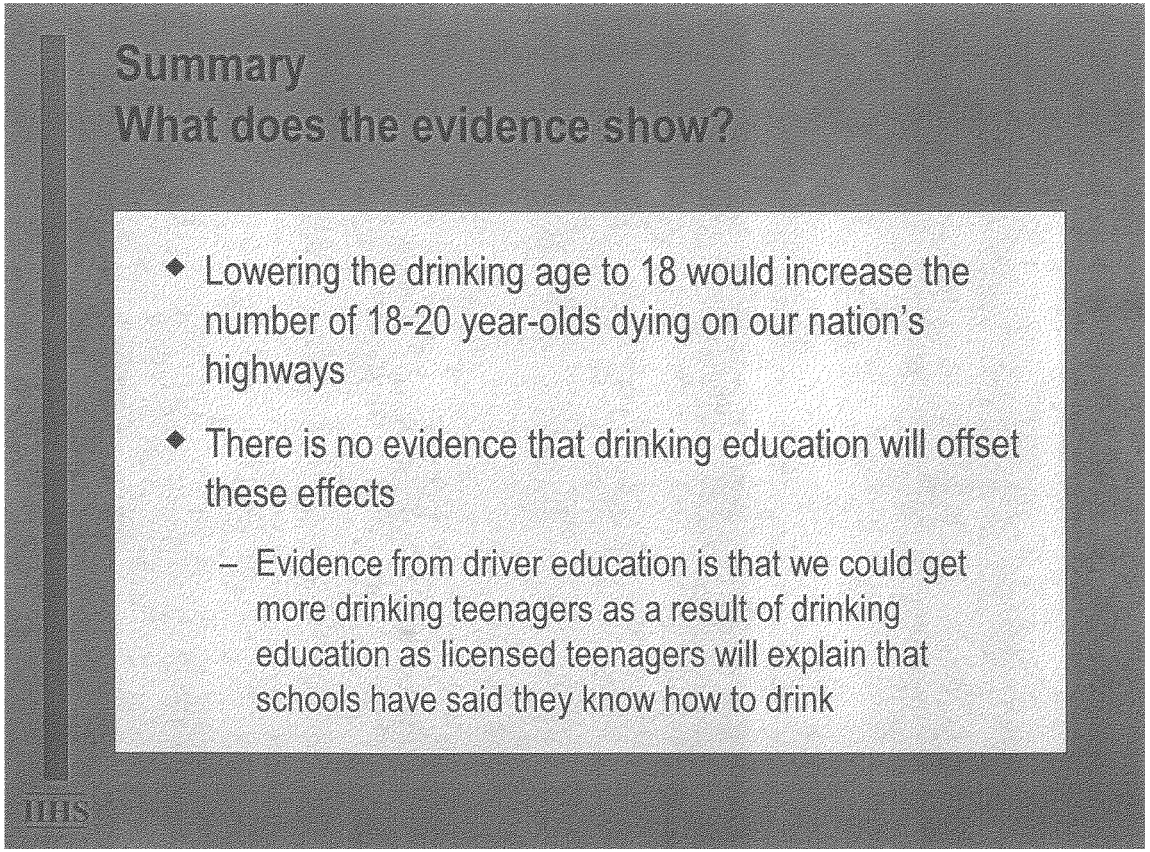

Status Report, May 12, 1984
4 — HHS Status Report, Vol. 19, No. 8, May 12, 1984
Amendment to Restore 5 MPH Bumpers Added To Car Theft Bill
The Senate Commerce Committee has voted to report a bill to the floor that would restore the 5 mph bumper rule and require manufacturers to stamp identification numbers on components of their most frequently stolen car models.
By a ten to five vote, the Commerce, Science, and Transportation Committee endorsed the unexpected amendment to S. 1400, offered by Sen. Jack Danforth, Missouri Republican, despite the opposition of Sen. Donald Riegle, Michigan Democrat.
Danforth noted that in 1982, when former National Highway Traffic Safety Administration (NHTSA) head Raymond Peck announced the rollback of the rule from a 5 mph crash test standard to a 2.5 mph rule, three promises were made.
Federal Study Finds No Improvement Following Driver Ed Courses
Status Report, Vol. 19, No. 6, April 14, 1984.)
"The results were really remarkable," said Danforth. "The difference in the bumpers was approximately $300 to the consumer" in low speed crashes.
Danforth said arguments in favor of the weaker rule are "really nonexistent" with the exception of a possibility brought up by a witness during a subcommittee hearing.
That witness said "that it was simply a matter of the automobile companies trying to sell parts, and that they could sell more parts — which is a very profitable business — if they had simply ornamental bumpers on cars, not if they had bumpers that really work," Danforth said.
Earlier this year, the full committee considered and reported S. 1108, an omnibus motor vehicle safety bill, that contains a provision to restore the bumper rule. Because of its controversial nature, Danforth said it is unlikely to wend its way to the floor. By attaching the provision to the theft bill, he said its chances for consideration would be considerably enhanced.
The theft bill is the product of lengthy negotiations between automakers, the transportation subcommittee, and the bill's chief sponsor, Sen. Charles Percy, Illinois Republican.
Riegle said the automobile companies had agreed to drop their opposition to the bill prior to the addition of the bumper amendment. The version reported by the committee would require automakers to stamp certain parts of only those vehicles with a record of high theft rates. Riegle admitted the measure would apply to only about 70 percent of those vehicles in the "high theft" category.
The bill would also increase criminal penalties for trafficking in stolen vehicles and component parts, its sponsors say.
Federal Study Finds No Improvement Following Driver Ed Courses
An extensive government study of about 16,000 high-school students has reported that neither a specially augmented driver education course emphasizing safety nor a less elaborate program of instruction has resulted in lower crash involvement or traffic violations.
The final report on the $4 million dollar project, begun in September 1976, has been prepared by Battelle Columbus Laboratories for the National Highway Traffic Safety Administration. According to the authors, it is part of a 12-year evaluation of driver education.
The project, sometimes called the DeKalb County, Georgia, driver education demonstration program, was designed to test "the crash reduction potential of a quality competency-based driver training program known as the Safe Performance Curriculum (SPC)." The course involved 70 hours of instruction, including classroom, simulation, range, and on-street training. A second course—more typical of high school driver education courses—providing only the minimum training necessary to obtain a driver license, Pre-Driver Licensing (PDL), was also evaluated. Students who wanted to take driver education were randomly assigned to one of these courses or to a control group of pupils who did not receive high school driver
HHS


Percent of students with crashes
By type of driver education
SPC
PDL
Control
10
5
0
2
4
6
8
10
12
months after sixteenth birthday
IIHS


DeKalb County, Georgia test of model driver education
Lund et al., 1986
Students assigned to SPC were at significantly greater hazard of crashing and of receiving traffic violations than control students.
No evidence that SPC reduced the per capita likelihood of crashes or violations
SPC drivers had more crashes and violations despite the fact that they were more skilled when licensed.
High school driver education courses do not decrease the crashes and violations among teenagers as a group.
Greater availability of driver's education leads to earlier licensure which in turn leads to more crashes and violations per capita.
UMTRI


Summary
What does the evidence show?
Lowering the drinking age to 18 would increase the number of 18-20 year-olds dying on our nation's highways
There is no evidence that drinking education will offset these effects
Evidence from driver education is that we could get more drinking teenagers as a result of drinking education as licensed teenagers will explain that schools have said they know how to drink
HHS

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